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ABSTRACT

This collection of 17 lessons developed by teachers is intended to assist in teaching civic education to gifted and talented students. Gifted and talented students find the study of the United States Constitution, case law, and the legislative process fascinating. Divided into two sections, one for elementary and middle school and the other for middle and high school, the lessons cover the origins and evolution of the system of government, how and why the legal system operates as it does, and the roles of politicians, lawyers, judges, and citizens in ensuring effective and responsible government. Julie Tunnell, an elementary teacher from Dublin, Ohio, presents a lesson plan based on a search warrant simulation. Students are introduced to the Fourth Amendment, review several hypothetical searches, ask questions of a visiting police officer, engage in a simulation about a stolen calculator, and prepare a search warrant. Vicki L. Chase, a high school teacher from Idaho Falls, Idaho, developed a lesson plan about the 1964 Civil Rights Act. The lesson introduces students to the impact of discrimination prior to the Act, investigates instances of unconstitutional discrimination, and explores how U.S. life has changed since the 1964 Civil Rights Act. The lesson plans in the collection include student handouts, bibliographies, and clearly specified procedures. (JD)

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Yes!

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Challenging Lessons for the Classroom and Beyond

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LEGACY:

Linking Educators and the Gifted with Attorneys for Civics: Yes!

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- CLASSROOM STRATEGIES APPROPRIATE TO DIFFERENTIATING CHARACTERISTICS OF THE GIFTED AND TALENTED LEARNER IN CIVICS
- LAWYER-TEACHER PARTNERSHIP FORMS AND SAMPLE PLANNING SHEETS FROM LEGACY PARTNERS

LEGACY:

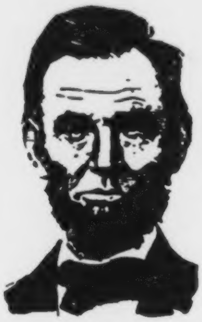
Linking Educators and the Gifted with Attorneys for Civics: Yes!

The need for improved teacher training and curriculum materials to help teachers provide effective civics education for gifted and talented students is grounded in two basic facts: (1) No matter what careers our gifted and talented students choose, they will *all* be citizens; and (2) Civics education features a variety of teaching and learning strategies that challenge these students to reach their potential.

The study of the United States Constitution, case law, and legislative process fascinates gifted and talented students. They are delighted to learn that they do not have to be lawyers to understand the meaning of significant Supreme Court decisions. Students learn about the origins and evolution of our system of government, how and why our legal system operates as it does, the roles of politicians, lawyers, judges, and, most importantly, that of the citizen in ensuring effective and responsible government.

Civics education develops students' critical thinking and analytical skills, their ability to make decisions when faced with ethical dilemmas, their oral and written communication skills, and their abilities to perform in-depth research, to successfully advocate their position on a given issue, and to visually display and analyze data using graphs & charts. Civics education teachers are among the most innovative largely due to the variety of teaching techniques they employ, such as role-playing and simulations, debates, mock trials, field trips, cooperative learning, structured and/or open discussion, visual connections, and resource persons.

The unique need met by LEGACY is the ongoing support for the full academic year in the form of an experienced teacher-mentor and a volunteer attorney partner.



"We must ask where we are and whither we are tending."

Objective #1: To train 50 teachers each year

The LEGACY Institutes are held each summer at Wake Forest University in Winston-Salem, North Carolina. Based on specific selection and participation criteria, teachers are nominated by state educational agencies, state civics and law-related education programs, and various organizations representing groups that have been traditionally underrepresented, such as members of racial and ethnic minority groups.

During the LEGACY institute, teachers receive specialized instruction in the effective combination of civics education and the gifted and talented learner. Research in both fields aid in the identification of the areas of improvement needed for each teacher. The tables in the appendix illustrate sample differentiating characteristics of the gifted and talented learner and suggested classroom strategies that correspond directly to common civics education strategies.

Objective #2: To support these 50 teachers

The Phi Alpha Delta Legal Fraternity, based in Bethesda, Maryland, identifies lawyers in these teachers' communities who will commit to a partnership with their teacher and his or her students for the academic year following the institute. These attorneys volunteer their time to help the teacher and his or her students in the classroom and to help develop the curricula.

The teacher-lawyer partners work together throughout the academic year, developing and testing effective lesson plans specifically designed for gifted and talented students.

Objective #3: To disseminate the new curricula

The distribution phase of LEGACY involves: (1) demonstration presentations of the newly-developed curricula by LEGACY teachers at local, state, and regional teacher conferences and in-service programs; (2) editing, publishing, and distributing these new approaches and techniques; and (3) adding these new curriculum materials to the National Repository of Teacher-Developed Lessons on Law and the Constitution and distributing them to other teachers in a variety of formats, i.e., on paper, on computer disk, and via LREnet, the CRADLE electronic bulletin board.

With the support of state and local education agencies and school district administrators, the LEGACY teachers provide extensive teacher training in these new curricula during the academic year following their institute. As a part of these teachers' commitment to the project, they pledge to train at least 25 other teachers in the use of the new curricula.

The special efforts of the participants in LEGACY will leave a legacy of innovative curriculum approaches and techniques for the benefit of several generations of gifted and talented students.

-- Julia Hardin, Project Director

Lessons Prepared by Teachers
(with the assistance of their attorney-partners)
in the LEGACY Program

The Tigers Are Innocent!

Kathy A. Dietrich
Billings, Montana

INTRODUCTION
This unit of study encourages students to critically examine the rights and responsibilities of various parties when building a zoo. Through the use of outside resource people, research, and writing, students will formulate their own opinions and decisions of how a zoo should best be constructed and maintained.

OBJECTIVES
- To provide students with the opportunity to interact with various community organizations
- To help students become better critical thinkers
- To distinguish between the rights and responsibilities of various groups, i.e., zoo owners, zoo animals, cage and exhibit designers, and the general public
- To identify important characteristics and design aspects which must be considered when building a zoo
- To understand the term "liability" and apply its meaning as needed
- To keep and write daily, in a journal or log, activities/events that coincide with this unit

AUDIENCE
Grades 5-8; upper elementary and middle school students. Selected group activities become individual projects for advanced students.

TIME REQUIRED
One to two weeks, depending upon selection of activities.

MATERIALS NEEDED
- Various research books on endangered species and threatened animals
- Addresses for larger zoos throughout the nation (included)
- Large chart paper
- *Faithful Elephants* by Yukio Tsuchiya (for optional extended activity)

PROCEDURE

1. Instruct students to keep a daily log of activities and discussions.

2. Give the students a brief, pretend scenario:

   A community has been planning and looking forward to operating its own zoo for a long time. The zoo that is finally being constructed has planned for a variety of animals, many of which are endangered or threatened. A strong group of animal rights activists plan to take action. Two Siberian Tigers (or whatever you choose) arrive to be housed in the first completed exhibit. The zoo is broken into one night, and the tigers are about to be taken by a pair of the animal rights activists with the purpose of freeing them in their own natural habitat.

3. Divide students into four groups:

   a. Rights of the tigers
   b. Rights of the activists
   c. Rights of the owner of the zoo that has acquired the tigers
   d. Rights of the people who would come to see the endangered animals

   Have students brainstorm the rights of these groups and write them on large chart paper. This is an exciting time to use a community resource person during share time. (Perhaps someone from the local humane society.)

4. Have students write for information from various large zoos throughout the country asking for specific ideas and suggestions on zoo design. Request zoos to send pictures of their exhibits and/or plans for construction when possible. (See the attached list)

5. Invite another community resource person to discuss considerations when designing a zoo. (Perhaps the owner or director of a local zoo.) Prior to the guest's arrival, use large chart paper to record the class's ideas on zoo design. Have your expert add onto and discuss student feelings and ideas. If possible, visit, tour, and complete this activity at the zoo site.

6. Our scenario continues:

   One of the animal rights activists, while trying to free the tigers, becomes injured by the tigers due to a faulty cage design. Although the activists intended to steal the animals, the animals escape that night on their own because of the poor cage design. The animal rights activist sues the zoo owner for negligence.

   Use a community resource person, a lawyer, to discuss the terms "liability" and "negligence," and to apply it to this scenario. Review and discuss the three cases provided: *Jones v. Beame* (1976), *Grover v. City of Manhattan* (1967), and *Franken v. City of Sioux Center* (1978). Reorganize the class into six small groups, one for each side (plaintiff and defense) regarding the potential liability of (1) the animal rights activists, (2) the zoo owners, and (3) the cage designers. Have your community resource person lead the follow-up discussion using the group's input. Emphasize and de-emphasize ideas in relation to their pertinence.

   An outline of the elements of negligence and liability issues, as well as possible defenses, is included with this lesson for use by the teacher and/or resource person in explaining the "liability" aspects of this scenario to the students.

7. The final activity will be to have the students design their own zoos using information that they have accessed through the discussions, letter writing, research, etc. The students then present their zoo design to the class as a final project. They must be able to apply their new knowledge in the zoo design they formulate. Perhaps groups of three to five students would be appropriate since this is a large project and will require considerable brain power.

EXTENSION ACTIVITIES

- Assign students to go to the public library to access microfiche and newspapers still available that covered the construction of a zoo in your area. Do short reports on how the zoo progressed, perhaps time-lines.
- Students can read the short story *Faithful Elephants* by Yukio Tsuchiya -- a true story about elephants in a Japanese zoo.
- Students can research endangered and threatened animals that may be seen in zoos throughout our nation.
- A further step in the scenario: A local judge decides that the tigers must be destroyed when they injure the activist and escape. The judge's concern is public safety. Discuss class concerns, emotions. What would the students do?

EVALUATION

There are several means by which the teacher can monitor progress and evaluate students authentically: (1) observation of students in whole group and small group discussions; (2) individual participation; (3) an established rubric; (4) grading written research papers; (5) daily journal evaluation; etc. The most important means of authentically evaluating students will be through their zoo designs and presentations to the class.

DEBRIEFING/CLOSURE

1. Are the rights of any one group more important than others?
2. What are some examples of liability?
3. Classify zoos according to information obtained. Use a sliding scale of 1-5, 1 being the most humane and conscious of animal rights and public safety to 5 being the least conscious, perhaps cruel and unsafe. How did you arrive at your ratings?
4. What are some considerations you should analyze when designing and constructing a zoo? Can you prioritize these considerations?
5. Should there be regulations on what kinds of cage exhibits must be provided for various animals?

TIPS FOR THE TEACHER

Through integration, students can be working on this project during many different subject areas. Unit length will vary according to how many extension activities your class conducts, if any.

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- Library phone book directories with zoo listings.
- Tsuchiya, Yukio. *Faithful Elephants.* New York: Houghton Mifflin, 1988 and The Trumpet Club, 1990.
- Kirchsofer, Rosi. *The World of Zoos.* Viking Press, 1968.
- Hahn, Emily. *Animal Gardens.* Doubleday, 1967.

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SOME ZOOLOGICAL ADDRESSES

Zoo Montana
c/o Jim Duncan
2100 South Shiloh Road
Billings MT 59106

Alaska Zoo
4731 O'Malley Road
Anchorage AK 99516

The Phoenix Zoo
P.O. Box 5155
Phoenix AZ 85010

Minnesota Zoological Garden
12101 Johnny Cake Ridge Road
Apple Valley MN 55124

Cincinnati Zoo and Botanical Garden
3400 Vine Street
Cincinnati OH 45220

Cleveland Metroparks Zoological Park
3900 Brookside Park Drive
Cleveland OH 44109

New York Zoological Park
185th St. & Southern Blvd.
Bronx NY 10460

Chicago Zoological Park
Brookfield Zoo
3300 Golf Road
Brookfield IL 60513

Marine World/Africa USA
Marine World Parkway
Redwood City CA 94065

Atlanta Zoological Park
800 Cherokee Ave SE
Atlanta GA 30315

Baltimore Zoo
Druid Hill Park
Baltimore MD 21217

Detroit Zoological Park and Belle Isle Aquarium
8450 West 10 Mile Road
P.O. Box 39
Royal Oak MI 48068

St. Louis Zoological Park
Forest Park
St. Louis MO 63139

Philadelphia Zoological Gardens
34th Street and Girard Avenue
Philadelphia PA 19104

Overton Park Zoo and Aquarium
Memphis TN 38112

Dallas Zoo in Marsalis Park
621 East Clarendon Drive
Dallas TX 75203

San Antonio Zoological Garden and Aquarium
3903 North St. Mary's
San Antonio TX 78212

Milwaukee County Zoological Park
10001 West Bluemound Road
Milwaukee WI 53226

JONES v. BEAME

382 N.Y.S.2d 1004
Supreme Court of New York
April 12, 1976

FACTS

The plaintiffs were individual citizens who sought to close three zoos and to transfer the animals to the New York Zoological Park (the Bronx Zoo) due to the conditions in the city zoos. The defendants were the City of New York, as well as veterinarians who contracted with the City to take care of the animals' medical needs. The complaint sought a declaration that conditions in the city zoos constitute cruelty to animals in violation of the law.

The complaint stated that the animals are almost completely deprived of any meaningful or effective veterinary care and that serious diseases and injuries are frequently permitted to go undiagnosed or untreated for long periods of time, or are misdiagnosed and treated improperly. The plaintiffs also contended that the animals are kept in habitats that are not proper for them and in fact are detrimental to their physical and mental health. They also alleged that the animals are not properly protected from the brutality that can be expected from members of the general public -- small and defenseless animals have been attacked in their cages, and other animals have been hurt or killed by attempts to rescue tormentors upon whom they have turned. In addition, numerous animals have been stolen from the zoos and their caretakers are wholly untrained in animal care. An example is a Patas monkey that exhibits symptoms of classic cage neurosis by jumping to and fro from front feet to hind feet while remaining on the same spot for minutes on end. The exercise amuses the public, but the keepers are ignorant of the distress that gives rise to the neurosis. Nocturnal animals are forced to be in daylight, without even a simple box in which to seek refuge. Elephants are housed in a pen measuring two by one-and-one-half lengths. It appeared that water had not been changed in several months, and the food preparation area was also dirty.

The Agriculture and Markets Law makes it a misdemeanor to engage in cruelty to animals, to neglect to provide confined animals with proper aid, food, shelter, and water, or to fail to exercise due care in safeguarding the public from attack by a wild animal. The enforcement of this law is left to public officials; there is no specific provision that would permit a citizen to file a civil lawsuit for violation of this law.

ISSUE

Do these citizens have standing to sue the city for violation of the Agriculture and Markets Law by virtue of blatant cruelty to animals, and does the maintenance of zoos in violation of this law constitute a proper cause of action for the waste of public funds?

DECISION

Yes to both questions. Denial of standing to these plaintiffs would make it impossible for the courts to scrutinize the lawfulness of the city's maintenance of its zoos. The alternative, such as relying on a city employee to lodge criminal charges against the Mayor of New York, is unlikely. In addition, the use of public property for illegal purposes (in violation of the Agriculture and Markets Law) states a proper action for the waste of public funds.

GROVER v. CITY OF MANHATTAN

424 P.2d 256
Supreme Court of Kansas
March 4, 1967

FACTS

Jimmy Lee Grover, aged ten, was injured while visiting the Sunset Zoo in September of 1962. He was attacked and bitten by a coyote which had escaped from its enclosure at the zoo and was running loose in the area frequented by visitors. On Jimmy's behalf, his parents sued the city for negligence in allowing the animal to run loose. The lower court ruled that the city was immune from liability because the operation and maintenance of the zoo is a governmental function and "the coyote" running loose did not constitute a nuisance.

ISSUE

Is a city liable in damages for its negligent operation of a zoo?

DECISION

No. Generally, city governments and officials are not liable for negligence in the performance of governmental functions, i.e., activities engaged in for the benefit of the general public and in performance of a duty imposed on the city. In an earlier case, Hibbard v. City of Wichita, 159 P. 399, the court held that the maintenance of a zoo is a governmental function, and thus cities are not liable in damages for injuries inflicted on visitors by animals through the negligence of the city's officers or agents. In order for a function to be considered proprietary (and therefore subject the city to potential liability), there must be shown some special local benefit that the city and its inhabitants receive rather than the public at large. Zoos are maintained for the same reason as parks -- for the pleasure and education of the entire public. Therefore, the city cannot be held liable for damages in its maintenance and operation of the zoo.

With regard to the issue of the city's liability for maintenance of a nuisance, this was an isolated instance of a temporary nature. The coyote was not outside its pen other than on the occasion when the boy was injured, so it is not a nuisance case.

NOTE

There are cases in which the maintenance and operation of a zoo have been considered proprietary or "corporate" functions for which the city may be held liable. *See* Hyde v. City of Utica, 20 N.Y.S.2d 335 (New York); City of Mangum v. Brownlee, 75 P.2d 174 (Oklahoma); and City of Fort Worth v. Wiggins, 5 S.W.2d 761 (Texas). Courts in California and Kansas have held that this is a governmental function. *See* McKinney v. City and County of San Francisco, 241 P.2d 1060 (California); Hibbard v. City of Wichita, 159 P. 399 (Kansas).

FRANKEN v. CITY OF SIOUX CENTER

272 N.W.2d 422
Supreme Court of Iowa
December 20, 1978

FACTS

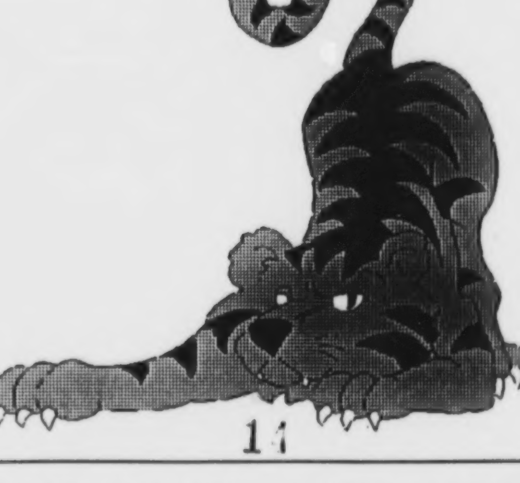
The plaintiff, Arnold Franken, was injured when he placed his hand inside a cage to pet a 300-pound Bengal tiger named "Stubby." The tiger was being held in temporary quarters, a steel cage in a warehouse, until permanent quarters could be prepared for him at a Minnesota zoo. Despite being raised with affection training and having a history of tame behavior, Stubby was housed for a prolonged period of time in a small cage, and this confinement apparently caused him to become hyperactive and aggravated. There was evidence that the plaintiff has been warned not to put his hand in the cage, but he did so, and the tiger grabbed it with his jaws, causing serious lacerations. The trial jury found that the defendant was not liable for damages.

ISSUE

Was the jury properly instructed on the assumption of risk defense?

DECISION

No; the jury was not properly instructed on the application of the assumption of risk defense and its dependence on the plaintiff's actual knowledge of the risk. A possessor of a wild animal is subject to strict liability to another for harm done by the animal to the other, even though the possessor has exercised the utmost care to confine the animal or to otherwise prevent it from doing harm. (Restatement Second of Torts Section 507(1)) Assumption of risk is a defense to a claim of strict liability. Assumption of risk is where someone is barred from recovering damages if he or she unreasonably subjected him or herself to the risk of harm by the animal. The defendant must show that the plaintiff had actual knowledge and full appreciation of the risk of harm from the tiger at the time he received his injuries. The court held that the jury should have been instructed fully about the assumption of risk defense, specifically with regard to the plaintiff's actual knowledge of the risk involved, and that they could have confused this standard with the objective standard of ordinary care. The case was reversed and remanded for a new trial.



OUTLINE ON CIVIL LIABILITY

NEGLIGENCE:

Elements:
(1) Existence of a duty on the part of the defendant to conform to a specific standard of conduct (standard of care) for the protection of the plaintiff
(2) Breach of that duty
(3) Breach is the proximate cause of the resulting injury or damage
(4) Actual injury or damage

The standard of care is that of a reasonable person; the defendant's conduct is measured against what an average (reasonable) person would do under the same circumstances. Exceptions: Children are held to a standard of a child of similar age, education, intelligence, and experience. Professionals are held to a higher degree of care appropriate to someone with the knowledge and skill of a member of that profession in good standing. (Note: physical characteristics of defendant may affect standard of care expected.)

Proximate cause: the act must be the cause of the injury, i.e., the injury would not have occurred but for the defendant's breach of his/her duty, or the breach was a substantial cause of the injury, or there was an uninterrupted chain of events from the negligent act to the plaintiff's injury.

DEFENSES TO NEGLIGENCE:

Contributory negligence (not a defense to strict liability -- see below)
Plaintiff contributed to his/her own injury, thus barring him/her from recovering unless the plaintiff's negligence was less serious or no more serious than that of defendant. (Most states now allow some form of this, referred to as "comparative negligence.") However, the person who has the "last clear chance" to avoid an accident and fails to do so is still liable for negligence.

Assumption of risk
Plaintiff is not allowed to recover damages if the plaintiff assumed the risk of damage caused by the defendant's act. Plaintiff must have knowledge of the risk and must have proceeded voluntarily in face of the risk.

STRICT LIABILITY:

Extra elements beyond normal "negligence":
Existence of an *absolute* duty on the part of the defendant to ensure safety.

Liability for Animals:
The owner is ***strictly liable*** for injuries caused by dangerous animals so long as the injured person did nothing to bring about the injury.

The Search Warrant Simulation

Julie Tunnell
Griffith Thomas Elementary School
Dublin, Ohio

INTRODUCTION

This lesson relates to the Fourth Amendment search and seizure law. In preparing fourth and fifth grade students for a mock trial which includes a search warrant, a police report, and various types of evidence, I use these lessons to allow students to examine the issues involved in the search and seizure of a home, car, or school. Students will role-play the actual search and seizure of a school classroom, prepare and obtain an actual search warrant, and consider direct and circumstantial evidence to find out who stole a calculator.

AUDIENCE

Grades four and five, gifted & talented students, in preparation for a mock trial or an upper elementary social studies class.

TIME TO COMPLETE

This lesson will take 5-8 class sessions.

GOALS

As a result of this lesson, students will:

- Explain the rationale for the Fourth Amendment
- List situations in which a search warrant is not legally required
- Analyze scenarios related to search and seizure to decide if the search was conducted legally
- Demonstrate the use of a search warrant in an actual classroom search
- Prepare and exhibit a search warrant to obtain an item of evidence in a mock trial

MATERIALS

1. The Fourth Amendment
2. You Be the Judge: Search Warrant Cases
3. Exceptions to Search Warrant Requirements
4. Cases Related to Search Warrant Exceptions
5. Direct v. Circumstantial Evidence
6. Warrant to Search

DAY ONE

Introduce the Fourth Amendment by reading it to the class. (Handout 1) Have the students answer the following questions:

- What is the difference between "search" and "seizure"?
- What are the requirements for a search warrant?
- What is the meaning of probable cause?

Have the students write questions they would like to ask a police officer about using or obtaining a search warrant. Students then apply their knowledge by making decisions regarding the cases listed in Handout 2.

Teacher Discussion Guide

The Case of the Missing Dog: Yes, the officer did break the search and seizure law. He did not have enough evidence or probable cause to search the house without a warrant. Simply seeing a boy in the front yard with a dog leash does not mean that a dog had been stolen from the woman's house.

The Case of the Stolen Camera: No, the police cannot legally arrest the two boys and seize the box of cameras as evidence. If the police took the teenagers to court, the judge would let them go because the officers did not have a search warrant to look for cameras, only for foodstuffs and items stolen from the school. If the officers had left the house and obtained a search warrant for the box of cameras, then they could legally arrest whoever had the box in his/her bedroom. In this case the arrest would probably be for possession of stolen goods, not for burglary, because the police still didn't have evidence showing who had taken the box of cameras from the drugstore.

* The cases have been adapted from: *Cases: A Resource Guide for Teaching About the Law* published by Scott, Foresman and Company, 1982 and reprinted with permission.

DAY TWO

Invite a police officer to visit the class. If your school has a 5th grade D.A.R.E. officer, they are usually an excellent choice to talk to the class. The police officer should bring in an actual search warrant form, and explain how the form must be completed. Ask the officer to explain the exceptions to the search warrant and/or probable cause requirements in (Handout 3). It is interesting for students to hear a few "real" stories about search warrants that the police officer has encountered.

DAY THREE

Review what students learned from the police officer. Ask them to name the exceptions to the search and seizure requirements. Give students several case scenarios (Handout 4A) so they can play the role of judge to determine if the police conducted a legal search. Then ask them to construct a scenario of their own based on one of the exceptions to the search warrant rules (Handout 4B).

DAY FOUR

Simulate an actual search and seizure case by asking a student from another classroom to take one of your student's calculators and hide it somewhere in the classroom. Try to leave some clues like a ransom note for the calculator, or let another student see the incident, but just not report it. When the students arrive in class, tell them that you've heard that a calculator was stolen, and explain the difference between direct and circumstantial evidence (Handout 5). List all the evidence available related to this crime under two columns "Direct Evidence" and "Circumstantial Evidence." If probable cause is found ask students to complete an actual search warrant (See Handout 6) and obtain permission from the school principal (or designee) to search another classroom. If the students find the missing calculator, you can talk about the advantages of a search warrant, but if they are unable to find it, you can talk about the frustrations of police officers and disadvantages to strict laws about search and seizure.

DAY FIVE

Students are now prepared to complete a search warrant form to obtain evidence in the mock trial. Ask them to use actual evidence tags for the items they recover by using the search warrant, which can also be obtained from police officers.

EXTENSIONS WITH LITERATURE

Have students read, *There's a Boy in the Girls' Bathroom*, by Louis Sachar. In the book the parents are accused of stealing an elephant. The garage where the elephant is supposedly kept is never officially searched, and no elephant is ever found, but the evidence for an actual search can be listed and teachers can ask the students if a search would be legal in this case. A mock trial could be written and conducted based on the characters in this book.

EVALUATION

Student understanding will be checked by verbal comparisons through their discussions of the various cases related to the Fourth Amendment, exceptions to the search and seizure restrictions, and in the simulation and use of an actual search warrant. The cases (Handouts 2 and 4A) can be used as a quiz about whether students understand the law or not. Also, the student-created scenarios (Handout 4B) will be scored based on whether the student can clearly state an exception to the rule situation. Student lawyers will demonstrate the correct use of a search warrant to obtain evidence in an actual mock trial.

TIPS FROM THE TEACHER

The actual simulation of a stolen item is great fun for the students. Be sure to fill in the classroom teacher, the principal, and the students' parents in case the theft is taken seriously. The students enjoy playing detective and learn the most during the simulation that is "real for them." Try to make the crime as real as possible, and carry it out as far as it can logically go. If you want to leave fingerprints on the desk and try to uncover them, or leave prints on a coke can in a trash can -- this adds to the fun of uncovering who stole the calculator. One year, around Christmas time, the ransom note demanded 25 candy canes.

The students were delighted when they found candy cane wrappers in the trash can in another teacher's classroom. The distinction between direct and circumstantial evidence is quite difficult to understand. I recommend having a lawyer or judge present during the lesson using Handout 5. Private detectives can also be useful resource speakers in this lesson.

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HANDOUT 1

THE FOURTH AMENDMENT

THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED.

Questions to consider:

1. What is the difference between search and seizure?

2. What is the purpose for issuing a search warrant?

3. What is the meaning of probable cause?

4. What would happen if there were no Fourth Amendment?

5. What are some questions you have about using search warrants that you'd like to ask a police officer?

HANDOUT 2

YOU BE THE JUDGE: SEARCH WARRANT CASES

THE CASE OF THE MISSING DOG:

A police patrol car was stopped by a woman who waved her hand at the officer who was driving through the neighborhood. She said, "Somebody stole my dog while I was at the store this morning. And I know who It is. It's those Gill people who live in that old house at the end of the street. You see that boy out there playing in the yard? He's got a dog leash in his hand. They're a bad bunch of people and they stole my dog. You go down there and find the dog right away."

The officer said, "We'd have to get a search warrant first."

The woman said, "But it'll be too late then, this is an emergency."

The officer said, "Well I guess you're right, I'll see what I can do."

So the officer went to the Gill house and rang the door bell. A woman came to the door and asked what he wanted. He told her a neighbor's dog was missing, and he would like to come in to check to see that it wasn't in the Gill house. The woman said he couldn't come in. So the officer told her to step aside, or she'd be in trouble with the police. And he walked into the front room.

Just then two teenage boys came into the room, and their mother told them, "Get that cop out of here."

Question: Did the police officer break the search and seizure law?

YOU BE THE JUDGE: SEARCH WARRANT CASES

THE STOLEN CAMERA:

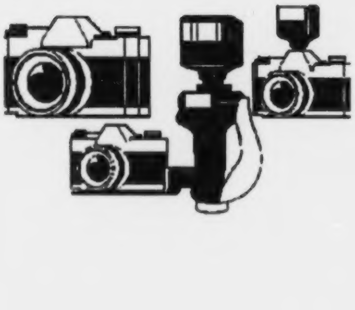
Jefferson High School was broken into in the middle of the night, and somebody stole foodstuffs from the cafeteria, tape recorders, and various audio-visual equipment. The police later found tire tracks in the snow that led to the house of Summer Free, a High School student. She had been caught six months earlier for stealing cameras from a drug store but never convicted because of lack of evidence. Her fifteen-year-old brother was allegedly with her at the time of the crime.

Since the police had followed the tire tracks and had a previous suspicion about Summer for stealing cameras, they went to the court judge to ask for a search warrant. The judge thought the police had probable cause-that is, a good reason for searching the house, so he gave them the search warrant.

When the two police officers went to Summer's house, they showed the search warrant to the girl's father, and he let them into the house to search for stolen items from the school. But while they were looking around in the bedroom they found a box of brand new cameras, with the Drugstore Label on the outside.

The officer said to his partner, "We can arrest her right now because we've got the stolen cameras right here." So the police officers arrested Summer and her brother for stealing the cameras from the local drugstore.

Question: Can the police arrest the two teenagers and seize the cameras as proof they were burglars? That is, did the police break the search and seize laws?



HANDOUT 3

EXCEPTIONS TO SEARCH WARRANT REQUIREMENTS

S- STOP 'N FRISK

E- EMERGENCIES

A- ARRESTS, ABANDONED PROPERTY OR AIRLINE SEARCHES

R- RIGHT IN PLAIN VIEW

C- CARS, CONSENT

H- HOT PURSUIT

I- IN LOCO PARENTIS
(In place of parent -- assuming and discharging parental duties)

N- NOW IF YOU GIVE CONSENT

* The above has been adapted from *The Drug Question: The Constitution and Public Policy*, published by The Constitutional Rights Foundation in 1990 and reprinted with permission.

HANDOUT 4A

CASES RELATED TO SEARCH WARRANT EXCEPTIONS

THE GROCERY GAG

The police officer for Big Bear saw a man running out of the store with a gun in hand. He stopped the man and began to frisk him for items stolen from the store. The man refused to give consent and insisted that a person inside the store had tried to shoot him and he had grabbed the gun and come outside to look for an officer. Inside the man's pocket was a stolen watch. Can the police officer arrest him? What exception applies here?

THE SUSPICIOUS OLD LADY

Going through the airport security, you notice an old lady who is carrying a rather large purse. She claims that she cannot go through the metal detector because she has a pacemaker. Does the airport authority have the right to search through her purse? What exception applies here?

THE OPEN LOCKER

The principal has been alerted that students have been carrying drugs to school. As he is walking down the hall from his office to the Social Studies classroom to observe a teacher he sees and open locker with a clear sack of drugs in the top. Can the principal look in the locker without a search warrant? What exception applies?

THE SPEEDING TICKET

Your friend Is pulled over by the police for breaking the speed limit. The police officer asks him to open the trunk of his car. Your friend refuses, because there is no reason. Can the officer search his trunk? What exception applies?

HANDOUT 4B

CREATE A CRIME

Now it is your turn to brainstorm an exception to the search warrant rule. Try to come up with an emergency situation or a hot pursuit where the officer would or would not need a search warrant.

ACTUAL CODE

Emergency Situations: Sometimes police do not have time to get a warrant because of some emergency situation like a bomb scare, a person's life in danger, or some other urgent situation.

Hot Pursuit: If police are in hot pursuit of a suspect they do not have to get a search warrant to enter a building they have seen the suspect enter. They can also seize evidence they find while in hot pursuit of a felon.

BRAINSTORMED SITUATION

PERSONS:

PLACES:

CRIME:

Now, write your situation below. Be sure to give it a title, ask us a question about the legality to search, and provide us with your answer.

TITLE:

SCENARIO:

QUESTIONS:

JUDGE'S DECISION:

HANDOUT 5

DIRECT versus CIRCUMSTANTIAL EVIDENCE

DIRECT EVIDENCE (Facts about the case)

Testimony
Statements by a witness when somebody sees something with their own eyes.

Example: "I saw that man steal the calculator."

Physical Objects
Any items having to do with the case.

Example: Search warrants, photographs, or weapons

CIRCUMSTANTIAL EVIDENCE (Indirect facts about the circumstances involved in a case from which you can draw inferences about how the event might have happened)

Testimony
Indirect statements where somebody sees something with their own eyes but not the actual crime.

Example: "I saw someone running down the street a block away from the store."

Physical Objects
Items not directly related to the crime.

Example: "I found this ring laying on the street."

HANDOUT 6

WARRANT TO ______________________________

THE STATE OF _________________________
COUNTY OF ______________________
CITY OF ___________________

To the Chief of Police of the City of __________________, _________________.
Greetings:

WHEREAS, there has been filed with an affidavit, a copy of which appears on the reverse side, these are, therefore, to command you in the name of the State of __________________, with the necessary and proper assistance, to enter, in the daytime (in the nighttime) into premises known as:

...and to execute a search of the said premises within 3 days after the issuance of this warrant. The said premises being in the City of __________________, _________________ aforesaid, and there diligently search for (the said goods, chattels, or articles), to-wit:

...and that you bring the same or any part thereof, found on such a search, forthwith before me, or some other judge of this court having cognizance thereof, to be disposed of and dealt with according to law.

Judge, _______________County
Municipal Court,
_________________________ (city),
_______________________(state)

Date issued: ____________________

"He Said/She Said:" A Search for the Truth

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INTRODUCTION

Middle school students often find themselves in situations where peer pressure and group identity influences their decisions more than the truth. Circumstantial evidence, personal prejudices, and hearsay become the basis for judgement rather than the actual analysis of the facts. These situations can be related to the process of gathering and presenting evidence in the legal system, and the impact of bias and prejudice in distinguishing between the facts (i.e. truth) of an issue and opinions regarding the issue.

OBJECTIVES

- Students will learn to differentiate between facts and opinions.
- Students will learn to analyze information.
- Students will practice note taking.
- Students will practice debriefing.
- Students will examine issues of personal prejudice and bias.
- Students will apply their knowledge of rules and their enforcement to the legal system.
- Students will learn how to brief a case.

Grade/Subjects
Middle School/Civics

Time Frame
5 class periods (50 min. each)

MATERIALS

STUDENT HANDOUTS
Fact Sheet
Scenario
Case Study Sheet

PROCEDURE

DAY 1

Learning Activities
Active Listening, Note taking

Strategy
DEBRIEFING

Students are asked, "How many of you have become involved in a dispute with your friends as a result of something you have been told, not something you saw or heard? (Allow five minutes for discussion and responses.)

Next say: "In a court of law, before a judge or jury rules on a case, evidence (factual information used to determine the truth of an allegation) is presented in relation to the alleged violation of a specific law. The jury must weigh the evidence in a similar manner. Personal feelings must not enter into a decision, rather, the jury is instructed by the judge to weigh the evidence in light of a specific law."

Ask, "How many of you are objective and carefully weigh all of the facts, leaving out your personal feelings before taking a side in a dispute among your friends? Today, we are going to simulate a situation to show the difficulty in determining the truth."

Ask/select two student volunteers (Students 2 and 3) to leave the room. Tell them that in turn, they will be given information and told to what to do.

Once the students have left the classroom, distribute Student Handout 1, **Fact Sheet** and say, "We are going to conduct an experiment that involves carefully listening to and recording facts. As I read the following scenario to you, record all facts you hear in Column I, **Facts**."

Select one student (Student 1) and say, I am going to ask you not to record the information, but to listen carefully and mentally record the facts. When I finish reading the scenario, I am going to ask you to repeat the facts as you heard them. I want the remainder of the class to record your responses in the second column, marked "Hearsay 1". I will then ask you to go into the hall, and relay the information to one of the students in the hall." (NOTE: this is Student 2.) "Do not let the other student (Student 3) over hear what you say. Tell that person that they will be given information when Student 2 comes back into the hall. When you have relayed the information to Student 2, you and Student 2 should return to class."

Answer any questions about instructions.

Read the Scenario.

Allow Student 1 to tell all pertinent facts, then leave the room to relay information as described above.

While Student 1 is in the hall, say to the rest of the class. "When Student 2 comes into the room, I will ask him/her to tell me what he/she was told by Student 1. You should record what he/she says in the **"Hearsay 2"** column. You will repeat this process when Student 3 returns to the room, recording the information in **"Hearsay 3"** column.

Call for Student 2. Ask Student 2 to repeat what he/she was told, then instruct Student 2 to go into the hall and relay the information to Student 3. After relaying the information both students should return to the class.

Ask Student 3 to repeat the information given by Student 2.

Once Student 3 has completed his/her "version" of the facts, ask the class to compare what they heard with what was said by each of the "witnesses". Record all responses on the board/overhead.

DEBRIEF by asking, "What has happened to the facts, how much information was lost or confused between student "witnesses" 1, 2, and 3?"

Allow for student responses and summarize.

Assign homework
Analyze a personal situation in which the reporting of facts of a situation, either by you or someone else, varied and speculate why the reporting of the "facts" differed.

DAY 2
Learning Activity
Annotation and Fact Finding

DEBRIEF
Ask students to take out their homework assignments and conduct a short discussion on how personal bias impacted their personal "he said/she said" situation. Collect homework.

Distribute copies of the scenario (STUDENT HANDOUT 2) and ask students to take out their notes from **DAY 1**. Allow 10 minutes for students to read and annotate the scenario.

Ask students to compare their original facts with the facts in the scenario, adding missed information and correcting any misinformation on their **FACTS/HEARSAY** handout.

Divide the class into groups of 4 or 5 students and distribute copies of Student Handout 3, **CASE STUDY SHEET**. Project a copy of the sheet on an overhead.

Conduct a full class discussion on how different perspectives of the situation might lead different individuals to interpret the facts in a variety of ways.

Select any one of the individuals named in the scenario and through discussion, model on the overhead/board the development of a fact sheet from that person's point of view.

Homework
Students will develop fact sheets from the scenario for these individuals:

A) Someone waiting for the bus who overheard Mary and Yolanda's conversation on Thursday, as described in the scenario.

B) Someone who was in the locker area who overheard Mary and Yolanda's morning conversation as described in the scenario.

C) Someone who was present and overheard Mary and Yolanda's conversation on Friday before getting on the bus.

D) Someone who was present in the cafeteria and overheard Mary and Yolanda talking, as described in the scenario.

E) Someone who was present at the bus on Thursday and Friday, in the locker area, and in the cafeteria.

F) A friend of Yolanda's who was not in any of the above-mentioned places, but was given information by Yolanda.

G) Mary's friend not in any of the places described in (a-e), but was given information by Mary.

H) Someone present at all of the places described in (a-e) above.

Remind students that only information stated in the scenario may be used.

DAY 3
Learning activities
Analyzing Information, Briefing A Case

Strategy
The Case Study
Ask students to take out homework assignments, **DEBRIEF** by conducting a short discussion on how point of view varies, based on
-what you actually saw or heard
-your personal relationship/involvement with the situation/individual

Divide the class into three groups, Yolanda and witnesses, Mary and witnesses, the Principal.

Next, say, "Suppose the Principal has heard all the facts and has suspended both girls." What guided the Principal's decision?" Allow student responses. If no one mentions the school's policy regarding fighting, ask, "Is there any written policy regarding fighting? What does it say?" (the policy is listed on STUDENT HANDOUT NO. 2, **SCENARIO.**)

Next say, "Yolanda and her parents do not agree with the principal's ruling. They think that Mary was at fault, and if the paper had been returned the "disagreement" would never have gotten out of hand. They want a hearing by the Suspension Appeal Committee to review the Principal's decision."

Distribute Student Handout 3, **CASE STUDY SHEET** and say to the class, "You have gathered the facts relating to the dispute between Yolanda and Mary and ruled out personal opinions and bias. Today you are going to put your information on a case study form. This is called briefing a case. Write all the facts relating to the Mary/Yolanda dispute under the **Facts** heading on your Case Study handout".

Next say, "In our legal system, the consequences for violating a law are spelled out. It is the duty of the judge or jury to rule on whether or not, based on the facts presented, the law has been violated. If the suspect is found guilty, then he/she must face the consequences for violating the law, this is called sentencing. In Mary and Yolanda's case, a school rule against fighting was violated. What are the possible consequences of fighting? If you are not sure, check your scenario sheet. Look at the **Issue/s** section of your case study form. What happens if someone disagrees with the decision of guilt or innocence? Can that person appeal the original decision? Yolanda and her parents wish to appeal the decision to the Suspension Appeals Committee. In our legal system, a case can be appealed to a higher court. That body can uphold (agree) with the lower court ruling, or it can over-rule and strike down the decision."

"Note that the issue has been stated in the form of a question indicating Yolanda's rights and the rule in question. Use the remainder of the class time to write your opinion, (in the space marked **YOUR OPINION**) and the reasons (**ARGUMENTS**) based on the facts of the case and the law. Remember, your job is to clearly and concisely state the facts of the case and to present arguments supporting your decision, much like a lawyer would for a 'client'. If you do not finish in class, complete the assignment tonight."

Next say, "Tomorrow, we will have Mary and Yolanda and their witnesses present their case before the principal and see what his/her decision is."

Homework Assignment
Tonight, you are to complete your arguments. Tomorrow, we will conduct a hearing and get the principal's decision.

Day 4
Learning Activity

ROLE PLAY
Mary and Yolanda and their witnesses use facts from their Case Study Sheet to present their "case" to the Principal.

Say to the class, "Today, the Principal will listen to Mary and Yolanda and determine the consequences for engaging in a fight." Write/project the following rules for the hearing on the board/overhead:

- Each student may speak for two minutes to present their case.
- Each student may call two witnesses to speak on their behalf. Each witness's testimony may last one minute.
- The Principal may question the disputants and the witnesses.
- The Principal's choices of actions are as follows:

  (a) Mary, three days out of school suspension for starting a fight, Yolanda, one day out of school suspension for fighting.

  (b) Yolanda, three days out of school suspension for starting a fight, Mary, one day out of school suspension for fighting.

  (c) both girls, three days out of school suspension for fighting.

  (d) both girls, one day out of school suspension.

  (e) both girls, one day in school suspension, and referred to mediation to resolve the issue of the paper.

Conduct the Role Play (15-20 min.) Allow Principal five minutes to deliberate and write his decision, then read the decision to the class.

VOTE WITH YOUR FEET. Put Thumbs Up, Thumbs Down and Question Mark signs in three places in the room and ask students to take a stand on the Principal's decision by moving to one of the areas. Ask students why they took that particular position.

Ten minutes before the end of class, summarize elements that influenced the principal's decision. Use these questions to summarize

- What must guide the principal's ruling on the situation? How can the principal remain objective?
- How are the roles of the Principal and a judge in a court of law similar/different?
- Why is it important to separate facts from opinions when serving as a witness?
- Why is a person who saw an event a more reliable witness than someone who hears about the situation second d hand d?
- Who do you think was at fault and why?
- Why is it important to have all the facts before taking sides?
- How is the principal's decision like a judge's ruling?
- What is the purpose of a case study?

Homework Assignment
Make a comparison chart (similarities/ differences) between school rules and laws and the role of a Principal and a Judge.

Day 5
Activity
"Play it again, Sam" Creative Writing exercise

Ask students to take out homework assignments. Debrief by allowing students to share their work and writing their comparisons on the board/overhead.

Pose this question to the class: What could have prevented Yolanda and Mary from fighting? Allow students to respond.

Next say, "Today, I would like you to work in groups and using any of the information from our previous discussions, rewrite the scenario from the point of view of a friend who intervenes and resolves the conflict on Monday morning, prior to the fight. Remember focus on the facts and peaceful alternatives to the problem."

Allow students to assemble in groups and use approximately 30 minutes to rewrite the scenario.

STUDENT ASSESSMENT

- Notes from Day 1
- Point of view fact sheets from Day 2
- Role play
- Comparison chart between school rules and the role of the principal and laws and the role of a judge.
- The summary questions may be answered in writing.

Enrichment/Extension

An examination of your school handbook to determine rules governing fighting is a logical extension of this lesson. Students could develop a series of hypothetical "cases" based on actual infractions and role play disciplinary hearings on other school rules.

Students might want to conduct a Suspension Committee Hearing.

EVALUATION

The following are suggested evaluation methods to be used for this unit of study.

- The Case Study Form
- Comparison between the Disciplinary Hearing and Judge's Ruling in a court case.
- Fact sheet

CROSS DISCIPLINARY APPLICATIONS

This lesson can be used to in the affective domain to increase cultural awareness and sensitivity, in drama (role play), and to introduce alternative conflict resolution such as mediation.

TIPS FOR THE TEACHER

- To facilitate group work and save class time use the same grouping for all activities in this lesson.
- Duplicate all materials prior to the start of the lesson.
- Prepare and laminate the Thumbs Up, Thumbs Down, Question Mark cards that are used in the Vote with your Feet exercise. This is a very useful strategy that can be used in multiple situations.
- Prepare overhead transparencies in advance.
- Always end a lesson with a **Debrief** summary. This is also a good way to begin a class to "set the tone" for the lesson.

OPPORTUNITIES FOR UNDERSTANDING OTHER PERSPECTIVES

Topics of cross cultural conflict and conflict resolution.

Cross cultural communication and differences in communication styles.

* * * * *

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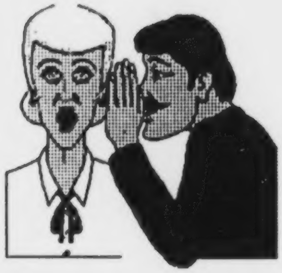
STUDENT HANDOUT 1
FACTS AND HEARSAY



RECORD THE FACTS AS YOU HEAR THEM IN COLUMN 1, FACTS. USE THE REMAINING THREE COLUMNS TO RECORD THE HEARSAY AS REPORTED BY STUDENTS 1, 2, AND 3.

FACTS	HEARSAY 1	HEARSAY 2	HEARSAY 3

STUDENT HANDOUT NO.2: SCENARIO - "HE SAID/SHE SAID"

READ AND ANNOTATE THE FOLLOWING SCENARIO

Mary and Yolanda, seventh graders, have never been close friends although they have gone to school together for the past five years. On Thursday, as they were waiting for their buses after school, Mary asked to see Yolanda's history report. Yolanda's bus arrived before Mary finished reading the paper. When Mary asked Yolanda to give back the paper, Mary asked if she could keep it until the next day. Before they could discuss it, the bus was ready to leave, so Yolanda begrudgingly said yes as the bus pulled away.

Friday morning, Yolanda waited by Mary's locker to retrieve her paper. Mary's bus was late and there were only five minutes left before the first period bell. When Mary came running to her locker, Yolanda asked, "Where's my paper?" Hurriedly, Mary responded, "I don't have time to talk to you right now. I am running late for first period and we have a test! I'll see you later." Sam, Ray, Curtis and Dana were standing close to the lockers when the conversation between' Yolanda and Mary occurred. Mary hastily took books from her locker, placed them in her back pack and turning, threw the pack over her shoulder. The back pack hit Yolanda, throwing her off balance and into Ray, Who yelled, "Hey, why don't you watch where you're going?" Yolanda responded, "Don't get off on me! It's that girl (pointing to Mary's retreating figure) you need to talk to. As Mary turned to see what was going on, Yolanda shouted, I am going to come looking for you later today, you hear?"

Yolanda then turned and walked down the hall, mumbling to herself, "That white girl gets on my nerves; this time she has gone too far. When I see her we're going to have it out!"

Later, at lunch, Yolanda and Mary were overheard arguing. Mary said in a loud voice, "Back off, girl, I told you I would give it (the history report) back. I already said I'm sorry i forgot it this morning, I'll bring it to you on Monday." To which Yolanda replied, "Now you really are gettin' on my nerves." Putting her hands on her hips she said, "Don't you go messin' with me. Just give me my paper; you'd better have it on Monday, or else!"

"I'll have it on Monday, just like I said," Mary said as she headed off to class.

As the two girls waited for the bus after school, Yolanda approached Mary who said, "Now don't you start bugging me again, I told you I would give you the paper on Monday;" to which Yolanda replied, pointing a finger at Mary, "You'd better, girl, or else you and me are going to have more than words!"

On Monday, Yolanda and Mary were sent to the Principal's office for fighting in the locker area before school. Neither girl was talking, but Yolanda was clutching a badly crumpled and stained paper, that appeared to be a history report.

The student handbook specifically states that "... anyone caught fighting will be suspended for up to 5 days, may be referred for mediation, and depending on the nature of previous offenses may face expulsion."

STUDENT HANDOUT 3
CASE STUDY SHEET

USE THIS SHEET TO RECORD THE FACTS AND THE DECISION OF THE PRINCIPAL'S HEARING.

YOUR NAME

CASE NAME Mary/Yolanda dispute

FACTS

ISSUE/S (stated as a question.)
Were Yolanda's rights violated when she was found guilty of violating the school rule (policy) regarding fighting and suspended?

ARGUMENTS

YOUR DECISION

PRINCIPAL'S DECISION

41516AG

Students' Rights - How Far Do They Go?

Kathy Aldridge
Bowie Elementary
Abilene, Texas

ABSTRACT

When studying the Bill of Rights, students are always interested in finding out what their rights are in a school setting and society. This lesson will focus on landmark cases from the last 50 years that deal specifically with students' rights.

OBJECTIVES

As a result of this lesson, students will:

- Express and defend their position concerning many law-related issues.
- Gain substantive knowledge concerning students' rights as interpreted by our justice system.
- Develop the critical thinking skills of analysis, synthesis and evaluation.

GRADE LEVEL

Grades 5-8

TIME REQUIRED

Three 45-minute class periods

MATERIALS

Copies of the Bill of Rights
Handouts
    Where do you stand?
    Set of case summaries
    Historical marker sheet
Markers

PROCEDURE

Review the Bill of Rights with students.

Establish a continuum on the chalkboard or wall. Place signs with the following positions on the continuum (in the order listed): "Strongly Agree," "Agree," "No Opinion," "Disagree," and "Strongly Disagree." Using the information on Handout 1, the teacher should announce each statement/issue and have students stand in front of the sign that best describes their opinion concerning the statement/issue. Call on students to defend/justify their positions.

To familiarize students with historical court cases that involve teenagers who have influenced or challenged our laws, give each student or pair of students a case summary from Handout 2. (These may be cut out and laminated for repeated use.) Students should read about their case and then complete a historical marker (Handout 3) by listing the name of their person and the date of the court decision, and telling why their person is significant. In the circle at the top of the marker, students should draw a symbol or symbols to represent facts of the case, issue, and/or the court decision.

After historical markers have been completed, each student will display his/her marker before the class and tell the class about their person. Historical markers may then be mounted on the wall (in chronological order) or be put on a bulletin board.

EVALUATION

Following class presentations, put prepared nametags listing the names of the people mentioned on the historical markers on the back of each student in the class. Students must discover their identity by asking other classmates questions that can only be answered by "Yes" or "No." Students may ask a classmate no more than two questions, after which they must find a new person to question. Continue activity until everyone has discovered who they are.

DEBRIEFING

1. Ask students the following questions:

- What was the constitutional issue the court was asked to decide for each case?
- If you had been a judge for the case you were assigned, would you have made the same decision or a different one? Why?
- Was anything happening historically that might have influenced the decision(s) made by the court(s)? What?
- What are the long-range implications of the court's ruling in each case?
- Rank the ten cases in order of importance and defend your selection.

2. Repeat the continuum activity using the statements from Handout 1. Ask students if they have changed their minds concerning any of the issues. Have them defend their thinking.

TIPS FOR THE TEACHER

Divide students into groups of four or five. Have students create a collage that depicts, through the use of symbols and words, the following topic(s):

"Student's rights are.. . "
"The Bill of Rights for students means...."

Provide a piece of cardboard, magazines, newspapers, glue, and scissors. After collages are completed, have the other groups tell the group that is showing their collage what feeling their collage gives and what they think the symbols represent. Have the students who created the collage respond to classmates' observations and share additional comments.

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*** Distributed through ***
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HANDOUT #1

WHERE DO YOU STAND?

1. Constitutional issues dealing with students aren't as important as those dealing with adults.

2. It is the school's obligation to protect students from reading material, actions, and language that is harmful.

3. Students should follow school rules/policies whether they agree with them or not.

4. No religious practices/activities/celebrations should be allowed in public schools.

5. While at school, students should have total freedom to express themselves through the clothes they wear, hair styles, etc....

6. The constitutional rights of students are not the same as adults when students are on school property.

7. It is the school's obligation to take disciplinary action when necessary.

8. Schools should only discipline students when their actions are disruptive.

9. Students should be free to use any type of language they prefer to use while at school.

10. School publications, written by students, should be able to cover any topic, without censorship.

11. School officials have the right to search people, places, and possessions if they suspect something illegal.

12. Every child, regardless of race, religion, sex, has the right to equal educational opportunities.

13. If a teenager commits a very serious crime, he/she should be punished as though he/she was an adult.

HANDOUT #2

Case 1 - Lillian Gobitis

In 1935, when I was 12, my 10-year-old brother and I were suspended from school because we refused to salute the flag and recite the pledge of allegiance, both of which were required daily. My family and I were Jehovah Witnesses and saluting the flag was against our religious beliefs. My family brought suit against school authorities requesting that my brother and I be excused from the flag salute requirement. In 1940 the Supreme Court ruled against my family stating that the school could require saluting the flag because it developed patriotism. (Three years later the Supreme Court reversed its decision.) Reference: *Millersville School District v. Gobitis*, 60 S. Ct. 1010 (1940).

Case 2 - Cheryl Labrenz

When I was born, I had a serious medical condition. The doctors said that without a blood transfusion, I would die. My parents were members of the Jehovah Witness sect and objected to this type of medical treatment because transfusions were prohibited by their religion. In 1952 the Illinois Supreme Court gave custody of me to a court appointed guardian, who then agreed to the blood transfusion. The court said,"the right to practice religion freely does not include the liberty to expose a child to death." Reference: *People ex rel. Wallace v. Labrenz*, 344 U.S. 824 (1952).

Case 3 - Mary Beth Tinker

In December of 1965, my brother, a friend, and I wore black armbands to school as a sign of protest against the involvement of the U.S. in the Vietnam War. (Two days earlier school officials had heard about our upcoming plans and adopted a policy that forbid the wearing of armbands in school.) The school principal demanded that we remove our armbands and suspended us from school. In 1969 the Supreme Court ruled in my favor and stated that our silent expression didn't disrupt school or hinder the rights of other students. Reference: *Tinker v. Des Moines*, 89 S. Ct. 733 (1969).

Case 4 - Tom Breen

In 1968 I was expelled from my high school because the superintendent said my long hair was in violation of the school dress code, which required that hair should not hang below the collar line in the back. I was told that I would not be readmitted to school until I cut my hair. School officials claimed my refusal to cut my hair caused a "disruptive influence or factor within the school," though no evidence was ever presented that a disruption had taken place. In 1969 the Wisconsin U.S. District Court ruled in my favor stating that "freedom to wear one's hair at a certain length is constitutionally protected." Reference: *Breen v. Kahl*, 296 F. Supp. 702 (W.D. Wis. 1969).

Case 5 - Cindy Gambino

In 1976 I served on the staff of my school student newspaper and wrote an article on birth control, based on a student survey taken at my school. My principal thought parts of my article violated a school board policy which prohibited sex education until the board had made a decision concerning a new sex education class. I was told the article could be published if the questionable parts were removed. I wanted all or none of it printed. In 1977 the U.S. Court of Appeals ruled in my favor and stated that the paper was established and operated as a channel for student expression on a wide variety of topics and therefore protected by the First Amendment. Reference: *Fairfax County School Board v. Gambino*, 564 F. 2d 157 (1977).

Case 6 - T.L.O.

(My initials were used to protect my identity because I'm under the age of 18) In March of 1980 a teacher found another girl and me smoking in the restroom, which was against school rules. After I was taken to the office and denied I was smoking, the Vice Principal asked for my purse, which I handed to him. When he looked in my purse, he found cigarettes and articles associated with selling drugs including rolling papers, marijuana, and drug equipment. After I was convicted of drug dealing, I filed a suit that my 4th Amendment rights to freedom from unreasonable search and seizure had been violated. In 1985 the Supreme Court ruled against me stating that school officials can legally search students if they have reasonable cause to believe school rules or the law has been violated. Reference: *New Jersey v. T.L.O.*, 105 S. Ct. 733 (1985).

Case 7 - Matthew Fraser

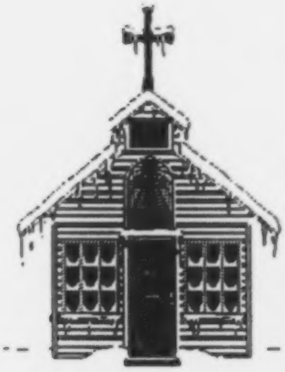
In April of 1983 I made a nomination speech for a classmate who was running for a school office. Students could attend the nomination assembly or go to study hall. During my speech I used suggestive language that caused some of the students to hoot, yell, make gestures, or become embarrassed. I did show my speech to several teachers before my presentation, and they warned me not to present it. The next day the principal suspended me from school stating that my use of indecent language was a violation of school rules. In 1986 the Supreme Court ruled against me stating that it was the school's duty to prohibit offensive language during a school sponsored activity. Reference: *Bethel v. Fraser*, 106 S. Ct. 3159 (1986).

Case 8 - Cathy Kuhlmeier

I was on the staff of my high school newspaper, the *Spectrum*, which was part of a journalism course. The May issue included articles about teenage pregnancy and the effects of divorce on students. My principal removed both of the articles from the paper before it was printed. He felt the pregnancy article didn't protect the identities of the pregnant girls that were interviewed and that it was inappropriate for young readers. He removed the second article because it did not allow the father of the girl who was interviewed to respond to his daughter's comments. Overturning a previous decision, the Supreme Court ruled that since the *Spectrum* was a school sponsored newspaper, school officials had the right to regulate its content. Reference: *Hazelwood School District v. Cathy Kuhlmeier*, 108 S. Ct. 562 (1988).

Case 9 - William Wayne Thompson

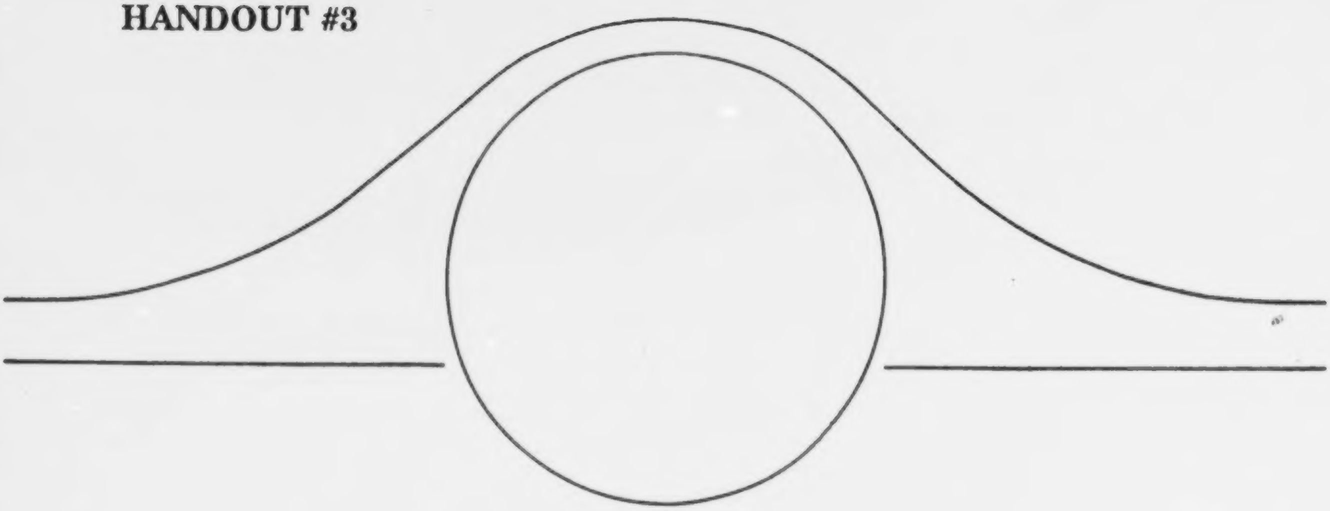
I, along with three adults, kidnapped and murdered Charles Keene, who had abused my sister when she was married to him. I was convicted of first degree murder and sentenced to be executed. Since I was not yet 16-years-old when I took part in the murder, my sentence was appealed on the grounds that capital punishment violated my 8th Amendment right and was cruel and unusual punishment. In 1988 the Supreme Court reversed my death sentence, stating that I was too young to die. I am now serving a life sentence in the Oklahoma State Prison. Reference: *Thompson v. Oklahoma*, 108 S. Ct. 2687 (1988).



Case 10 - Bridget Mergens

I wanted to organize a Christian fellowship and Bible study club at my high school. My high school principal told me that we wouldn't be able to hold meetings on school property because it would violate the separation of church and state as stated in the 1st Amendment. I sued the school district on the grounds that it was discriminating against my club. In 1990 the Supreme Court ruled in my favor. Other groups that were not related to school courses met at my school, so the school, therefore, could not discriminate against my club for political and religious reasons. Reference: *Board of Education of Westside Community Schools v. Mergens*, 110 S. Ct. 2356 (1990).

HANDOUT #3



HISTORICAL MARKER

WHO:

WHEN:

WHY:

Striking The Balance: The Bill of Rights, Technology, and Law Enforcement

Rose M. Thompson
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St. Louis, Missouri

ABSTRACT

This lesson is to focus on the important balance between law enforcement's need to use technological advances to protect society and citizens' needs to have their constitutional rights protected. The lesson is in three segments. The following activities are designed to help students become aware of the basic liberties guaranteed by the Bill of Rights, explore present law-related technology, and to help students understand how law enforcement agencies must comply with these rights when using advanced forensic methods and other technology to perform present and future law enforcement duties.

AUDIENCE

Middle school students

TOTAL TIME REQUIRED

Four 50-minute class periods

TOPIC I

The Bill of Rights

TIME REQUIRED

Two 50-minute class periods

OBJECTIVE

As a result of this lesson students will be able to Demonstrate an understanding of the first ten amendments to the United States Constitution.

MATERIALS

- Flip chart .
- A copy of the Bill of Rights
- Appendix One: Student Handout #1 **Background Information**
- Writing paper
- Materials to make a scrapbook

PROCEDURE

Pre-write the unit lesson title and the definition for the word "technology" on flip chart paper. Read out to students. Tear off sheet and post.

Referring to the posted unit lesson title sheet, ask students what their learning expectations are from the total four day lesson.

List student expectations on a second sheet of flip chart paper. Confirm the expectations that will be covered based on the goals/objectives of the lesson. Tear off the expectations sheet and post it.

Solicit from students the names of several federal, state, and local law enforcement jobs or agencies. List on flip chart. Tear off and post.

Distribute Student Handout #1 **Background Information** to each student. Call on selected students to read the handout aloud as the other students road silently.

Distribute a copy of the Bill of Rights to each student. Divide students into ten groups. Each group will designate a recorder and a reporter. Present an amendment from the Bill of Rights to each group. Each group will be responsible for neatly copying the amendment on a sheet of paper, discussing and writing the meaning of the amendment, and preparing a brief statement about the necessity of the amendment. Each group will present its finished product to the class after approximately 10-15 minutes. Move quietly from group to group as students are interacting.

Evaluaton

Asking for student expectations get the students involved immediately. The method is a helpful lead-in to focusing on the goals and objectives of the lesson. Listening to students while moving from group to group during student interaction time will enable the teacher to determine if students are on task. Try not to interrupt students unless the students ask for assistance.

Closure

- Why was the Bill of Rights added to the U.S. Constitution?
- Approximately how old is the U.S. Constitution?
- What comes with new and advanced technology?

TIPS FOR THE TEACHER

It would be helpful to have a chart size copy of the U.S. Constitution and the Bill of Rights as visual aids while providing background information on the Constitution and the Bill of Rights.

Save all forms of student-written responses and visual aids. Post or creatively display individual or group work. By the end of the fourth day, the classroom should boldly reflect the law enforcement and technology-related focus.

Designate or solicit three to four students to creatively design and make a Bill of Rights Scrapbook utilizing the group papers previously prepared by students.

TOPIC II
THE USE OF SCIENCE IN LAW ENFORCEMENT

TIME REQUIRED

One 50-minute class period.

OBJECTIVE

As a result of this lesson, students will:

- Understand the role of forensic science in law enforcement.
- List different examples of evidence that can be tested scientifically to help law enforcement officers solve crimes.

MATERIALS

- Flip chart
- Appendix Two: Student Handout #2 A **Visit to a Crime Lab**
- Writing Paper

PROCEDURE

Review main ideas from Topic I regarding Law Enforcement and the Bill of Rights.

Focus on the new lesson by asking students to provide at least three examples of items which are often sited as evidence at a crime scene. Ask for examples of the kind of information that could be obstained from the evidence. List student responses on the chart paper and post.

Inform students that the examples they provided are used in a field known as forensic science.

Poll the class to learn if any students have visited a crime lab. If so, allow the students to share what they saw or learned with the class.

Give Student Handout #2 to students.

Students will read the handout and answer related questions.

EVALUATION

Check for accuracy of student response to oral and written questions.

CLOSURE

Have students close by discussing written answers to questions from Handout #2.

TIPS FOR THE TEACHER

Arrange for a class of students to make a future visit to the crime lab of the local police department. Be prepared for some parts of the lab to be off limits for touring due to the often delicate nature of the evidence being processed. Arrangements should be made for one of the specialists in the off-limit area to meet with students in another designated area in order to answer questions.

Based on the findings of a visit to a crime lab or a call to a crime lab, have students research one of the scientific techniques used to examine criminal evidence and report their findings. If the school has a computer lab, the teacher or the students may be able to make arrangements for students to type their research papers on the computers.

If time allows, present each student with a copy of an interesting news article which describes a crime and which provides information about evidence that led to the arrest and/or conviction of a suspect. Have students summarize the article and list the incriminating evidence on a sheet of paper. Glue the summaries and articles to colorful construction paper and display.

TOPIC III
LAW ENFORCEMENT IN THE 21st CENTURY

TIME REQUIRED
One 50-minute period.

OBJECTIVE
As a result of this lesson students will be able to explain the important balance between law enforcement's need to utilize new technological advances effectively to protect society, and citizens' needs to have their constitutional rights protected.

MATERIALS
- Flip chart
- Appendix Three: Student Handout #3 **Reinforcement Sheet**
- Appendix Four: Teacher Assessment Sheet
- A copy of the Bill of Rights
- Writing paper

PROCEDURE
Review forensic methods used by law enforcement to solve crimes.

Have students brainstorm about technological advances that they feel could become a reality in the 21st century. List student responses on the flip chart.

Students will express their views about how law enforcement would be affected by these changes. (More training and equipment needed, must enforce laws that come with new technology).

Review Amendments four and five of the U.S. Constitution with students.

Distribute Appendix Three: Student Handout #3 **Reinforcement Sheet**. Divide the class into six groups. Designate the groups as group 1, group 2, and so on to correspond with the six questions on Student Handout #3. Allow time for the students to answer all the questions on their sheets. The designated groups will report out on only their agreed upon answer from their assigned group question. Other students may voice their agreement or disagreement.

EVALUATION
Listen to student oral and written responses to determine if they are making the connection that maintaining the balance between effective law enforcement in the wake of advancing technology and honoring individual rights is and continues to be a challenge.

CLOSURE
Share the suggested teacher reply answers on Appendix four: **Assessment Sheet** with the students.

Whatever the technological advances may be, what must law enforcement officers and agencies do? (follow legal guidelines).

TIP FOR THE TEACHER
Allow students, who wish to do so, to illustrate the six futuristic situations described in Student Handout #3.

Ask students to watch a television show or a video on law enforcement of the future. Write down the futuristic laws the officer(s) must enforce. Describe the kind of equipment used and explain whether or not the way the equipment was used violated the U.S. Constitution.

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APPENDIX ONE
STUDENT HANDOUT #1
BACKGROUND INFORMATION: THE U.S. CONSTITUTION

The U.S. Constitution consists of three main parts. The preamble introduces the Constitution and explains its purpose. The seven articles outline how our government is organized. The amendments represent changes in or additions to the original Constitution.

Over 200 years have passed since the constitution was written. A total of 27 (twenty-seven) amendments have been added. The first ten amendments, known as the Bill of Rights, were ratified in 1791. These rights were added because many people felt that the new central government did not recognize individual rights. The Bill of Rights listed the guaranteed rights and freedoms requested by the citizens.

Due to the built-in flexibility of the Constitution, Americans have been able to maintain both social order and personal freedom for two centuries. Apparently, the writers of the Constitution were very wise. It is often stated among contemporary people that in spite of their wisdom, the writers of the Constitution could not possibly have foreseen the vast scientific and technological changes that have taken place in our society today. Newspapers, television programs, documentaries, and other media appear to support the fact that law enforcement work depends heavily on new scientific methods and techniques to detect, investigate, and solve crime. It is important for us to understand that with new and advanced technology comes new crimes and new legal issues. 'While improving the abilities of law enforcement agencies to fulfill their duties, technological progress may also bring about a great threat to individual rights.

Source:
Riekes, Linda and Slane, Sharon, Understanding Law Enforcement Law in Action Series (Student Book) St. Paul, MN: West Publishing Company, 1992, p. 161.

APPENDIX TWO
Student Handout #2
A Visit to a Crime Lab

A visit to the crime lab of a local police department could result in obtaining a wealth of information about forensic science. Forensic science is the use of science for discussion, argumentive or legal purposes. There appear to be three main divisions or categories in this field: forensic medicine, forensic toxicology, and forensic chemistry. The extent of service of forensic laboratories vary; there are full-service, regional and specialty labs. The crime lab is probably the best known of the three types of labs.

Some of the items most often dealt with in crime laboratories include analysis of:

- body fluids and viscera (the soft organs inside the body) - to check for poisons, drugs, or alcohol to assist in learning the amount taken prior to death.
- blood, saliva, and seminal stains - to be analyzed for type and species.
- hairs - to determine if animal or if human; to determine race, body area of origin.
- pills and pipe residue - for the presence of controlled substances that could be connected to a suspect.
- paint, glass, plastics, metals - to compare to known materials.
- fibers - to determine the type.
- ink on documents - to detect forgeries, determine type or age to link suspect to crime scone.
- tool marks - can be identified and linked to tools or objects in the possession of a suspect.
- fingerprints - to link an individual to a crime by matching a suspect"s prints with those found at the crime scene.
- bites - to match bite marks of a suspect to those found on a body.
- genetic analysis (DNA) - to match DNA present in forensic samples such as hair and body fluids of a suspect.

The scientific resources available for assisting law enforcement is plentiful. Forensic specialists, however, must use extreme caution when involved in the handling of evidence before and after it leaves the laboratory. There are definite stages evidence must follow. Certain legal requirements must be met at each stage if the evidence is to be approved for use in a court of law.

ACTIVITY

Use the information in the handout to answer the following:

- What is forensic science?

- List the three main categories of forensic science included in this handout.

- List at least six examples of evidence and how that evidence could be used in a criminal investigation.

- Why must legal requirements be placed on how law enforcement specialists handle evidence found at a crime scene?

(A NOTE TO THE TEACHER)
Information in this handout was based on research from a fact finding tour of the St. Louis Metropolitan Police Department's Crime Lab and a interview with lab personnel.

APPENDIX 3
STUDENT HANDOUT #3
REINFORCEMENT

For each of the six examples below, indicate whether or not the activity would violate the Fourth Amendment to the U.S. Constitution. Circle the correct response and explain your answer.

YES NO 1. Law enforcement officers looking at a person's cancelled checks which are on file at the bank to use as evidence against that person at a criminal trial.

YES NO 2. A computerized camera placed on the roof of a police car photographs license plate numbers, which are then transmitted to a certain location to check to see if each car is stolen.

YES NO 3. The electronic mail of a company's workers is randomly monitored by law enforcement officers to see if illegal drug sales are involved.

YES NO 4. A law enforcement officer is beamed into someone's house.

YES NO 5. A law enforcement officer checks to see if a person has taken a drug by scanning his body with an x-ray gun.

YES NO 6. A roomful of people is unknowingly checked for fingerprints by law enforcement officers who scan the room with a hidden fingerprint scope.

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Riekes, Linda and Slane, Sharon, Understanding Law Enforcement (Teacher's Resource Guide) Law in Action Series. St. Paul, MN: West Publishing Company, 1992, pp. 221-222.

APPENDIX 4
TEACHER SHEET
ASSESSMENT/REINFORCEMENT

No. The U.S. Supreme Court has held that once a person has written a check, he or she knows that it will be seen by bank officials. Therefore, there is no reasonable expectation of privacy in the check. However, Congress passed a law requiring law enforcement officials, in most cases, to give notice to the bank customer that they intend to obtain the bank records and permits the bank customer to argue that they should not have access to the records.

No. License plate numbers are exposed to the public and therefore a person has no reasonable expectation that the number will remain private.

Probably yes. Regular mail is protected from opening by law enforcement officials unless there is probable cause and a warrant. Electronic mail is not sealed in an envelope but it is likely that it will be protected from seizure without a warrant, just as telephone conversations are protected by the Fourth Amendment.

Yes. A police officer may not enter a person's home without a search or arrest warrant based on probable cause. Beaming an officer into a home is no different from the officer entering through the front door.

Probably yes. An x-ray of a person's body is a serious intrusion which would constitute a search. The Court has said that surveillance from the air of a person"s property with a camera does not violate the Fourth Amendment, but use of high-powered equipment not generally available to the public, of a very private area as in this case, would probably violate the amendment.

Probably no. The people are not being seized when the scope is on--they are unaware of the scope's presence--and the seizure of fingerprints would be considered a slight intrusion, unlike the x-ray of a person. On other hand, fingerprints are more private than a license plate, so it is arguable that the police need at least reasonable suspicion before using the scope.

Source:
Riekes, Linda and Slane, Sharon, Understanding Law Enforcement (Teacher"s Resource Guide) Law in Action Series. St. Paul, MN: West Publishing Company, 1992, pp 219-220.

THE BILL OF RIGHTS

(The first ten amendments to the U.S. Constitution, the Bill of Rights, were ratified effective December 15, 1791.)

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III.

No Soldier, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in Militia, when in actual services in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common laws.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor. cruel and unusual punishments inflicted.

AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage other retained by the people.

AMENDMENT X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Slavery -- A Lesson in Discrimination

Joseph Padilla
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Fresno, California

LESSON OVERVIEW

In this lesson students will experience discrimination in the form of an experiment. Students will be categorized according to their eye color and a small group of students, usually the blue-eyed students, will be segregated and discriminated against by the teacher and the other students. This lesson should be used as an introduction to colonial life and the beginning of slavery in the English Colonies. It can also he used as an introduction to the teaching of slavery prior to the Civil War.

OBJECTIVES

Students will:

- Role play either the discriminated minority group or the elitist majority.
- Feel what it is like to be a member of one of the above groups.
- Become aware that discrimination is damaging and wrong.

GRADE LEVEL

Middle School U.S. History class

TIME

Suggested time of 1 to 2 days

MATERIALS

- Handout 1 Sample reading for the majority group
- Handout 2 Sample reading for the discriminated group
- Handout 3 Evaluation questions for all students
- Various classroom materials -- pencils, textbooks, a broom, a mop, gum or candy

PROCEDURE

1. At the beginning of the period prepare your class for this activity by explaining to them that they will take part in a learning experiment. Tell them its *real* purpose is not to make one group of students feel inferior or another group of students to feel superior, even though that is the way they may feel. Tell them this experiment will last one class period and that everyone will be treated as equals afterwards. It is very important that they all understand to cooperate fully with whatever the teacher asks them to do.

2. After the class has been prepped, place on the chalkboard "eye colors" and ask the class to list as many different eye colors as there are in the class, then mark the number of students with each eye color with a show of hands.

3. It is now up to the judgment of the teacher to decide which group of students to use as the experimental group. In a class of about 30 students it is best to use a group of 10 students or less. Usually the blue-eyed students fall in that category, or it may be the green-eyed students.

4. Ask the blue-eyed students to gather their materials and personal belongings from their desks and place them in an area of the classroom out of the way. They should then stand as a group in the rear of the classroom. The class can be set up in rows or in groups, whatever the normal class set up is fine. Have the non blue-eyed students move forward to fill any empty seats and then have the blue-eyed students sit in the desks to the rear of the classroom.

5. Tell your class that you, the teacher, will be making a hypothesis, an educated guess, about the blue-eyed students in the classroom. Say "all blue-eyed students are inferior, ignorant, unintelligent, and slow. They don't have the right to sit or really even be in the same classroom with the rest of us superior, intelligent, and sharp students."

6. Many of your students will be shocked and a reminder that this is an educational experiment might be necessary at this time. Tell the class

that you will now prove your hypothesis. Pass out a copy of Handout 1 to all the majority group. When duplicating Handout 1 cut it in half to save paper. Pass out a copy of Handout 2 to the experimental blue-eyed group.

7. Ask the non blue-eyed students not to let the ignorant group look at their handouts. Have each of the blue-eyed students attempt to read the first five words of their handout. Mimic and criticize each of their attempts to read the handout. Then have a few of the other students read the first five words of their handout. Praise each of these students greatly and again criticize the blue-eyed students for their lack of intelligence. Continue this procedure with the second sentence of their handouts and the last few words of the handout. Collect all of the handouts from each of the students.

8. Tell the class that you have proved your hypothesis and therefore in order for the blue-eyed students to remain in the classroom they will need to perform extra duties/chores for the rest of us. Ask if there are any majority students who need their pencils sharpened. Direct a couple of blue-eyed students to carefully sharpen two or three pencils, without breaking them. When they are done sharpening the pencils they are to return the pencils to their owners with this phrase, "I hope you are pleased with my work Miss/Mr. (last name of the student)."

9. Requiring the blue-eyed students to perform these extra duties is in the discretion of the teacher. Among chores that can be done in the class are: sweeping, mopping, picking up textbooks that "accidentally" were placed on the floor by the majority students, and picking up trash that "accidentally" fell on the floor, etc.

CLOSURE

Close this activity with a few classroom discussion questions such as:

- Why were these few students singled out to be discriminated against?
- How much sense does it make to discriminate against someone because of their eye color?
- How else might people be discriminated against?
- How much sense does it make to discriminate for those other reasons?
- How does discrimination hurt people, both the group discriminated against and those doing the discriminating?
- What about slavery in the United States, why were those people discriminated against and made into slaves?

EVALUATION

Since most students have a strong reaction to this lesson each student will want to say what they think and feel about it. Use Handout 3 as a way of evaluating whether students achieved the lesson's objectives.

TIPS FOR THE TEACHER

Carefully follow the recommendations in the procedures, especially preparing the students for this lesson. Many parts of this lesson can be changed at the discretion of the teacher. Every school and classroom is different.

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This book lists the "60 Minutes" shows that have stood out through the years. Included in it is the show that was done on a teacher who experimented with her blue-eyed students as I have done in this lesson.

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I used the "Gettysburg Address" just as a reference to be read by the students in this lesson.

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Handout 1

The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work for which they who fought here have thus far so nobly advanced.

The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work for which they who fought here have thus far so nobly advanced.

Handout 2

Τηε βραϖε μεν, λιϖινγ ανδ δεαδ, ωηο στρυγγλεδ ηερε, ηαϖε χονσεχρατεδ ιτ φαρ αβοϖε ουρ ποορ ποωερ το αδδ ορ δετραχτ. Τηε ωορλδ ωιλλ λιττλε νοτε νορ λονγ ρεμεμβερ ωηατ ωε σαψ ηερε, βυτ ιτ χαν νεϖερ φοργετ ωηατ τηεψ διδ ηερε. Ιτ ισ φορ υσ, τηε λιϖινγ, ρατηερ, το βε δεδιχατεδ ηερε το τηε υνφινισηεδ ωορκ φορ ωηιχη τηεψ ωηο φουγητ ηερε ηαϖε τηυσ φαρ σο νοβλψ αδϖανχεδ.

Τηε βραϖε μεν, λιϖινγ ανδ δεαδ, ωηο στρυγγλεδ ηερε, ηαϖε χονσεχρατεδ ιτ φαρ αβοϖε ουρ ποορ ποωερ το αδδ ορ δετραχτ. Τηε ωορλδ ωιλλ λιττλε νοτε νορ λονγ ρεμεμβερ ωηατ ωε σαψ ηερε, βυτ ιτ χαν νεϖερ φοργετ ωηατ τηεψ διδ ηερε. Ιτ ισ φορ υσ, τηε λιϖινγ, ρατηερ, το βε δεδιχατεδ ηερε το τηε υνφινισηεδ ωορκ φορ ωηιχη τηεψ ωηο φουγητ ηερε ηαϖε τηυσ φαρ σο νοβλψ αδϖανχεδ.

Handout 3

1. How did you feel when you were being discriminated against in class, or how did you feel when you were discriminating against the blue-eyed students?

2. What do you think about forcing a group of people into slavery because of their skin color?

3. Why is being a slave such an awful thing?

4. After seeing and experiencing what you did today, what harmful effect does discrimination have on the people being discriminated against?

5. Can you think of any good reasons people should be discriminated against? If so, think if those reasons are good enough to justify the harm done? Are those reasons still good enough to discriminate?

Exercising Your Rights: Pantomimes and Case Studies with the Bill of Rights

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Thomas Jefferson Middle School
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OVERVIEW

With this lesson students can exercise their bodies and minds as they participate in pantomimes and case studies that will help them become familiar enough with the Bill of Rights to understand, manipulate, apply, and appreciate its remarkable guarantees and freedoms.

GOALS

As a result of these lessons, students will:

- Understand what a right is and why rights are so important to people;
- Participate in a drill and practice of the content of the Bill of Rights by participating in a pantomime activity;
- Explore how the Bill of Rights applies to their everyday life through use of case studies.

AUDIENCE

Upper Elementary/Middle School

TIME TO COMPLETE

Three 45-minute class periods.

DAY 1: What is a Right?

Materials

Each student will need a copy of the worksheet "Is it a Right?" and a pencil.

Vocabulary

Constitution
Bill of Rights
Right

Procedures

Begin by discerning what the students already know about rights in general and the Bill of Rights in particular. Use a formal assessment, or simply ask them.

A way to explain these complex ideas to younger students is to ask them about product guarantees and their purposes. This usually gets an interesting discussion started as each has some knowledge or a story to share.

Move the discussion along by explaining that our Constitution is a plan for government. At the time it was adopted, there was quite a discussion about this new form of government and how the people were to keep it from getting too powerful and possibly taking away some of their rights (rights: certain things -- freedoms, ideas, actions -- to which all persons are entitled). Some persons wanted guarantees of certain rights in the Constitution that the government could not take away. The Bill of Rights is that guarantee (Bill of Rights: a list of rights guaranteed to the people that the government may never take away).

Following a discussion of rights, including rights the students know about and think they have, give each student (or group of students it you use cooperative groups) a copy of the worksheet **"Is it a Right?"** Tell them (as the directions do) that each of the items on the worksheet appears in the U.S. Constitution. Based on the class discussion, they are to pick out which -- by previously agreed definition -- are rights that the Constitution would guarantee to all people and which the government will never take away.

After completing the worksheet, go over the items and discuss what constitutes a right. From this students may be able to remember other rights they know, or you may wish to close by having each student (or cooperative group of students) tell or write a right they think all people should have.

DAY 2: Exercising Your Rights

Materials

For this lesson, each group of students needs a copy (original or simplified) of the Bill of Rights. The teacher needs to have a cut up copy of the **"Exercising Your Rights"** worksheet containing directions for the pantomimes.

Vocabulary

Pantomime

Procedure

Students are divided into groups of three. Each group is given one set of directions from the **"Exercising Your Rights"** worksheet. After reading their directions, each group needs to decide how it will demonstrate its amendment. The teacher will need to make a private check with each group.

Groups decide which students will perform which role. Groups may embellish but may not change directions. Groups always need to be reminded that pantomimes are silent. Not even sound effects are allowed. Use of props is up to the teacher.

There are different ways to proceed from here. If you are a brave soul and noise does not bother you, groups may just guess after each pantomime is performed. If you like more structure and wish to maintain the silence of the pantomimes, then each group will write its answer after the pantomime has taken place. After all are done, discuss each pantomime as each group gives a replay.

Close with a discussion of which amendments or parts of amendments were difficult to pantomime. As groups share, students from other groups may have ideas as to how this could be shown. You may also wish to discuss why certain rights are hard to pantomime -- abstract versus concrete.

If students do a good job, they could, with a little embellishment, be put together with narration to make a play that you may wish to perform for parents or other classes.

NOTE: Amendments 9 and 10 are not included in the **"Exercising Your Rights"** worksheet. Maybe you can figure a way to pantomime them.

DAY 3: Living with the Bill of Rights

Materials

For this lesson, each group of students need a copy (original or simplified) of the Bill of Rights and a copy of the worksheet **"Living with the Bill of Rights: Case Studies"**.

Vocabulary

Case study

Procedure

Place students in small groups (triads work well).

One reason for teaching students about the Constitution and the Bill of Rights is that it is the job of each citizen to protect his/her rights saying, "It is not enough to know what is in the Bill of Rights, but we must know how these rights apply in our everyday lives. To do this we are going to use case studies. Case studies present us with real life situations. Although the ones presented are fiction, they are realistic fiction (the kind of things that happen to real people)."

Each group is to read each situation and decide which, if any, rights have been violated. In each case study, there may be no violations, just a person exercising his/her rights. There may be a violation of a single right or more than one right. Groups will need to be detectives and lawyers as they investigate each case study.

After giving students time to read the case studies and make their decisions, discuss each one. Groups will probably have differences in their judgments. This will make it even more like real life.

Close with a discussion of some rights students exercise in everyday life and have them give examples. Depending on time, ask them if they can think of times their rights have been violated.

An extension of this activity would call for each group to pick one amendment and write its own case study to share with the class. (These may provide you with ideas to increase your own bank of case studies.)

EVALUATION

Since these lessons include class discussion, guided practice, and cooperative group work, the major tool of evaluation is teacher observation. When students are working in groups, charting is helpful to see if all are participating in the group and adding to its success. The product of Day 2, the pantomime, should be judged mostly on effort and if all members of the group are involved. Depending on the class, teachers may want to put together a formal quiz or test including a description of some of the most basic rights to be matched with descriptions of their being exercised or violated.

CLOSURE

Closure is included in each day's procedural directions. For day 1, see paragraph 5. For day 2, see paragraph 4. For day 3, see paragraph 5.

TIPS FOR TEACHERS

None specifically are included because the directions were written as carefully as possible and edited after field testing. However, steps 5 and 6 on day 2, and step 6 on day 3 may be considered.

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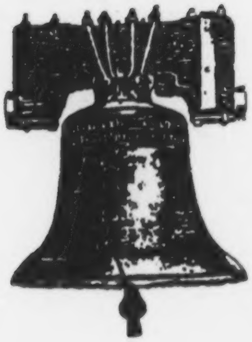

Is It a Right?

Directions: Now that we have discussed what a **right** is, read each sentence below and place a + in front of each one that describes a right. (WARNING: Each sentence contains true information contained in the U.S. Constitution.)

_____ 1. No person's house or property may be searched without a search warrant.

_____ 2. Each state gets two senators.

_____ 3. Persons accused of a crime shall be represented by an attorney.

_____ 4. Persons may worship as they please.

_____ 5. To be President, a person must be 35 years old.

_____ 6. Citizens may own and keep guns.

_____ 7. A person may not be forced to testify against him/herself.

_____ 8. The judicial branch of government is made up of the Supreme Court and other courts created by Congress.

_____ 9. In a trial, the accused person has the right to see and hear the witnesses who testify against him/her.

_____ 10. Citizens may petition or ask the government to correct wrongs done against them.

_____ 11. Citizens may speak out and freely express their opinions on subjects.

_____ 12. The executive branch of government is headed by the President.

_____ 13. A person must be 25 years old to serve in the U.S. House of Representatives.

_____ 14. Persons accused of crimes are entitled to trial by jury.

_____ 15. The President takes office at noon on January 20th.

Living with the Bill of Rights: Case Studies (2 pages)

Stephen and his friends agree to meet on the corner of Main and Wood Streets so they can walk together to the football game. When John arrives, he explains that Jeff will be late because his family had an emergency. While the youths are waiting, a police car drives by, twice, then stops. The policeman asks the friends to "break it up" and "move along."	K.C. has spray painted what she and her family believe is a beautiful mural on the wall of her parents' garage. The neighbors do not like it and think it makes the neighborhood look bad. When some graffiti is mysteriously spray-painted on a neighbor's fence, K.C. is accused. Although she knows she did not do it, she is told, "We have witnesses who saw you do it." When she asks who the witnesses are, she is told, "It's none of your business."
When the school board is scheduled to debate whether or not to lengthen the school day, Sarah and her friends are upset. They fear that they will not be able to keep up with other interests such as sports and dance if the school day is made longer. They make signs and picket on the sidewalk in front of the school administration building. As the school board members enter the building, one of them tells the students they should not be there and must leave.	After a destructive flood in Watertown, Illinois, the governor sent in the National Guard to help rescue people, restore order, and prevent looting. The problem is that the rains continue, and there is no place for the soldiers to sleep. The leader of the group tells the city council that the soldiers must be placed in the homes of Watertown's families.
Zach has just finished instruction to become a member of his church. He is very enthusiastic about it and feels that if each school day began with a prayer, the day would go better for everyone. At a regularly scheduled meeting of the school board, he presents his plan for "Morning Prayer" and asks the school board to implement it.	After the *Presstown Truth* prints a lengthy column criticizing the governor, he responds by coming to Presstown and giving a major speech asking for a new law to give the government control over what newspapers print.

Kevin is home watching television when there is a knock on the door. When he answers it, he finds two men dressed in street clothes on his porch. The men tell him they are policemen, and they are looking for television sets that were stolen from a nearby store. They tell Kevin they wish to look through his house for the stolen television sets.	Julie and her friend shoplifted some gum from the drugstore. It was their first time, but they were caught by the store owner who was very angry. As they sat in his office and listened to him call the police, they overheard him say, "These girls need to be put away for a long time, so they can't do this to anyone else. Make sure the judge throws the book at them!"
Zeb and Sally, two fifteen-year-olds, are accused of robbing a convenience store. Although there seems to be a lot of evidence against them, they are innocent. When the store was robbed, Zeb and Sally were with their friends out by the lake drinking. Because all their friends are under age, they will not voluntarily come forward and testify for Zeb and Sally.	

Exercising Your Rights

Your group is going to demonstrate the freedom of religion from the First Amendment. Be sure each person in your group has a role to play. It would be best if you could show that your characters have different ways of worshipping.	Your group will be demonstrating the right to privacy from the Fourth Amendment. Think about how you can show that the government may not search a person, his house, papers, or other belongings without a search warrant. Be sure each person in your group has a role.
Your group is going to show freedom of the press from the First Amendment. Think about how to show that newspapers, books, and magazines may print any ideas they see fit. Be sure each person in your group has a role.	Your group is going to demonstrate the right a person has not to testify against him/herself from the Fifth Amendment. This one is tough. Think how you can do this without talking. Be sure that each person in your group has a role.
Your group is going to demonstrate freedom of assembly from the First Amendment. Think how you can show that people have the right to gather together in groups peacefully. Be sure each person in your group has a role.	You will be demonstrating the right of a person accused of a crime from Amendment Six. The rights included here are the right to be represented by a lawyer and the right to have witnesses to testify on behalf of the accused person. Be sure all persons in your group have a role.
Your group is going to demonstrate the right to petition the government from the First Amendment. Think about how you can show that people have the right to ask the government to take some action. Be sure each person in your group has a role.	You will be demonstrating the right to a trial by jury in civil cases from the Seventh Amendment. It will be tough with a small group, but you must get the idea of a jury across. Be sure all persons in your group have a role.
Your group is going to demonstrate the right to bear arms from the Second Amendment. Think about how you can show that people have the right to keep and own guns. Be sure each person in your group has a role.	Your group will be demonstrating that bails and fines may not be excessive and that cruel and unusual punishments are forbidden by the Eighth Amendment. This means that the punishment must fit the crime. Think how you can demonstrate this. Be sure all persons in your group have a role to play.
You will be demonstrating that the government does not have the right to quarter soldiers in the home of citizens during peacetime from the Third Amendment. Be sure each person in your group has a role.	

The Bill of Rights

(The first ten amendments to the U.S. Constitution, the Bill of Rights, were ratified effective December 15, 1791.)

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III.

No Soldier, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in Militia, when in actual services in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common laws.

AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor. cruel and unusual punishments inflicted.

AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage other retained by the people.

AMENDMENT X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Peter's Debatable Dilemma

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ABSTRACT

This lesson uses the novel *Night Journeys* by Avi to explore the law-related issues and concepts of justice and freedom. The book should be assigned during a unit on life in Colonial America and only after the students have learned about "Quakers" and "indentured servants". The book's setting is colonial Pennsylvania in 1767. Peter York, a 12-year old orphan is sent to live with Everett Shinn, a highly respected Quaker and Justice of the Peace. Because of his public responsibility, Mr. Shinn has been called upon to help capture two runaway indentured servants. Peter enthusiastically joins in the search until he discovers that the runaways, English felons who were sent to America in servitude, are a boy and a girl his own age. Peter's conflict with Mr. Shinn, who is bound to uphold the law, becomes entwined with the indentured servants' search for freedom.

The learning activities involve both individual and group activities. The students keep a reading log in which they express their thoughts and questions regarding the story's plot. After the reading, they engage in team and then whole class discussions asking and answering higher order questions. They choose from a writing, speaking, and art activity to express their views on one of the debatable issues presented in the story.

OBJECTIVES

As a result of this lesson, the students will

- Identify two law-related concepts that were the over-all themes in *Night Journeys*.
- Formulate questions that identify the basic issues of the themes in the story.
- Take a stand on one of the issues addressed in the novel and present this stand in an essay, a cartoon, or a speech.

SUBJECT/GRADE LEVEL

Language Arts/Social Studies (integrated); grades 6-8.

TIME REQUIRED

One week for the reading of the novel (in class or outside of class); three 50-minute class periods for the lesson.

MATERIALS NEEDED

One class set of the novel *Night Journeys* by Avi. If the book is not available, a detailed summary of the story is provided with this lesson.

PROCEDURE

The students will participate in a class value line. (This structure is taken from Spencer Kagan's *Cooperative Learning*)

- The teacher will state the following issue, "It is morally right to break a law if the law is unjust."
- The students will mark a value line on their own slip of paper.
- When all have marked their lines, they will take a stand on an imaginary line which stretches from one side of the classroom to the other. They will stand in the spot along the line which corresponds to where they have marked their own value line.
- Students will then pair up with a person on either side of them in the line and discuss why they took the stand they did.
- The line will then be "folded". Students on the agree end will walk to the disagree end to find a new partner with an opposing position. Students will again discuss why they took the stand they did, and each will paraphrase what the other has said.

The teacher will tell the class that they will be reading a novel, *Night Journeys*, about a boy in colonial America who had to ponder similar questions about breaking the law.

The teacher will read the first 12 pages orally with the class. Stop at various points in the reading to review the following geographic locations as they are mentioned:

> *Pennsylvania, New Jersey, Delaware River, Trenton, and Easton.*

The teacher should also review the following terms:

> *Quakers, indentured servant, bondsmen, malefactor, felon, and justice of the peace.*

After reading the summary tell the class that they will read the rest of the book for homework during the next week. While they are reading, they are to think about the dilemma that Peter finds himself in and the important decisions that he must make regarding his conflict. After each night's reading, they will record in their reading log/journal reactions to their reading which must also include at least one question for which the student does not have an immediate and clear answer. These questions will be processed later in a group discussion.

When the students are finished reading the book, the teacher will review the facts in the story. This includes what has happened and who is involved. The students will work in teams and use Kagan's cooperative learning structure called "roundtable". Students will make a list of their responses on a piece of paper; each student will contribute one answer and pass the paper to the student on his or her left.

The teams will each share a fact which the teacher will write on the board. From these facts the teacher will facilitate the formation of a composite picture of the "facts of the case."

After the facts have been established, the teacher will ask the students to look over the entries in their reading logs/journals and then formulate in their small groups the issues that are involved in the story. Encourage them to look not only at Peter's dilemma, but also at the circumstances or laws that possibly led to this conflict.

Have each group share their issues with the class. The teacher will write these on the board. The following issues should be identified

- Was it just for the English courts to impose punishment such as imprisonment and indentured servitude in America to young children who stole because they were poor and hungry and therefore, stole as a means to survive?
- Were the children justified in running away as a means to seek their freedom?
- Were Peter's moral convictions regarding freedom and justice paramount to the law? (In other words, were Peter's behavior and actions right?)

When these issues have been identified, the students will select one of the issues and express their own personal ideas on the issue by writing an essay, creating a cartoon, or delivering an oratory. Set a deadline for these creations. These will be shared and discussed with the class.

After the students have shared the personal beliefs on the issues, the teacher will end the lesson by doing the following:

- Have the students participate in a class value line using the same procedure and value issue in step one of the procedure. The students will not fold the value line but will discuss in pairs why they took the stand they did, and if the stand is different from their previous stand on the issue, they will explain why they changed their opinions. Students will be asked to share their responses with the class.
- For more personal meaning, have the students write in their reading log/journal a response to one of the following topics:

  1. What lesson did you learn from the reading of and other activities done with *Night Journeys*?

  2. Does the decision that Peter had to make remind you of an actual personal experience that you have had? If so, briefly describe the dilemma, your decision, and how you arrived at that decision.

EVALUATION

To insure that the students are keeping up with their reading and also seriously thinking about what they are reading, they are required to write entries in their reading log/journal.

The students also present their ideas on an issue in a paper, a cartoon, or an oratory on one of the three issues identified in the story.

The final value line activity gives the students the opportunity to make a choice based on the learning experiences of the lesson.

The last reading log/journal entry will tell the teacher what the students gained from participating in the activities of the lesson as well as relating the theme of the lesson to the students' personal experiences.

DEBRIEFING

This is done as part of the last steps in the procedures.

TIPS FOR THE TEACHER

I have found that students generally enjoy reading novels about characters their own age and about content that relate to the classroom curriculum. It awakens an interest in literature as well as broadens their perspectives. The teacher, however, must help the students to step away from the action and characters of the story to identify and address the issues in the story. Discussions on the issues should take place first in small groups which are generally more supportive and active and encourage all team members to contribute their ideas. The teams can then share their responses with the whole class.

Since the book's setting is during a particular historical context and time (colonial Pennsylvania), it is important that the reading is assigned only after the students have sufficient background in life in colonial America and in the types of people who came to America from England. Also, any words that the teacher feels may be unfamiliar to the students should be explained prior to the reading.

The teacher should check the reading logs/journals daily to make sure that the students are writing and thinking about their reading.

Also, the students should be given a choice as to the medium they want to use to present their ideas to the teacher and to the class. In this particular lesson students may choose to do a written, oral, or art activity. The students may also suggest other activities.

There are many good books and short stories with law-related content. In fact, a good book to team with *Night Journeys* is *Huckleberry Finn*. Huck faces a similar dilemma when he is asked to help Jim, a slave, escape to freedom. It is important to select those with law-related themes that are timeless and those that relate to events and decisions in our students' lives. Literature serves as a bridge that allows students to vicariously experience a historical event or time period and also to analyze an event.

This lesson can be done by a social studies teacher alone, but it is better to engage both a social studies and a language arts teacher. One suggestion is to have the language arts teacher focus on one book such as Huckleberry Finn and the social studies teacher focus on a book such as *Night Journeys*. The students could then contrast the conflict, solutions, and characters in both books. Using literature such as *Night Journeys*, the two teachers can make connections between their subjects in terms of knowledge, skills, and attitudes. These connections are powerful and can only foster greater student understanding.

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Distributed by the Center for Research and Development in Law-Related Education, Wake Forest University School of Law, 2714 Henning DR, Winston-Salem NC 27106; 1-800-437-1054.

NIGHT JOURNEYS

By Avi

(A Detailed Summary)

This is the story of 12-year old Peter York and the great crisis in his life.

In the fall of 1767, Peter's family died of a fever. Peter now had nothing that he could call his own except his mare, Jumper. Mr. Everett Shinn, a Justice of the Peace and leader of a Quaker community near Philadelphia in the Commonwealth of Pennsylvania and across the river north of Trenton in the Jersey Colony, had agreed to take him in. Peter promised to work hard, and Mr. Shinn promised to treat him well.

Peter's crisis really began in the spring of 1768, six months since he moved in with the Shinns. When Peter returned from a successful afternoon of squirrel shooting, he found that Mr. Shinn had sent one of his young children on an errand with Peter's horse Jumper. This upset Peter greatly because he considered Jumper as the sole token of his previous life. Mr. Shinn, however, denied Peter's sole ownership and reminded him that he and the horse were now a part of the Shinn family, and it would be that way until they could buy their own horse which would cost at least ten pounds.

Later that evening a disturbed Peter was still awake when he heard an urgent thumping on the front door. When Peter looked out through the small loft window, he saw men in saddles holding rifles. The man who had knocked at the door was Mr. Shinn's oath-taker. He administered legal oaths to people since Mr. Shinn's religion kept him from doing so. He had come to report that a Mister John Tolivar from Trenton had told them about his two escaped bondsmen who, he believed, had crossed the river near the Shinn's property. As Justice of the Peace, Mr. Shinn was obliged to know and render all assistance in such a case.

Bondsmen were men and women and even children who had been brought from England under contract for their labor. Some were apprentices while others were indentured servants or transported felons who were obliged to work for periods of time by those who owned their labor, after which time, if they still lived, were set free. Often they would attempt to free themselves by crossing the Delaware River. If they were caught and returned to their rightful masters, those who caught them would get a good reward, for bondsmen were of great value. In this particular case, the runaways were transported felons, and the reward was twelve pounds.

Peter was very excited about the reward and wanted to go on the "hunt." The reward money could be used to buy a horse for the Shinns. Mr. Shinn, however, joined the search party only because of his obligation as Justice of the Peace. He agreed to let Peter and Jumper join the party with himself and three others.

The party of five traveled on a muddy road parallel to the river. They stopped at a place called Dewer's Landing where they made their plans. They had agreed that they would take a post at the four good fording places: Bull's Island, Morgan's Rock, Old orchard, and Dewer's Landing. They would keep their rifles ready and send a signal if they spied the runaways. Because Morgan's Rock was the least likely fording spot at this time of year, Mr. Shinn and Peter were assigned that location.

Morgan's Rock was a narrow island that was known as a good place to ford the river but only when the river was low during the summer, not in late winter. It was open and easy to cross near the middle where the sand and trees comingled. It was there that Peter and Mr. Shinn were to take their watch and discuss the men who had run away.

"He called them felons," Peter persisted, his mind filled with lurid images of cutpurses, scamps, and rogues.

"Aye. Transported here from England as an act of the King's mercy."

"Is it not a mercy then?" Peter asked.

"Branded on the thumb," Shinn said slowly, "they choose between the gallows and America, owing men like this Tolivar many years of labor. It's hard to know if that's a choice."

"They should be thankful they're alive and not try to escape," Peter suggested.

"People prefer their freedom," Mr. Shinn returned.

"Even against the law?" challenged Peter.

"The law's a chain that keeps all as one," said Mr. Shinn.

[End here for first reading]

Upon the urging of Mr. Shinn, Peter alone explored Morgan's Rock. While sitting upon a stone on the island, he saw a white flash on the Jersey shore of the river directly opposite where he sat. Having seen the flash several times, he knew that someone was there. Just as he was about to run back to where Mr. Shinn waited, he heard a gunshot, not from where Mr. Shinn was but from farther south.

Peter and Mr. Shinn quickly crossed the river in the direction of the gunshot. When they reached the opposite shore and mounted Jumper who was waiting for them there, Mr. Shinn remembered that they did not have the rifle. Poor Peter! He was sent back to fetch the rifle.

Peter had a difficult time getting back to Morgan's Rock by himself. He remained very close to the Jersey shore and saw the white flash several times. He moved inland very cautiously on hands and knees to investigate. To his great relief, the white flash belonged to a girl, perhaps eleven years old and dressed in a torn skirt that was far too big for her. She too was trying to get across the river to Morgan's Rock. She introduced herself as Betsy Williams, a servant girl who was trying to get to the Pennsylvania side of the river to her hometown to help her mother take care of her ill father. Peter believed her story but was a bit puzzled by her suspicious tone and behavior.

Together they struggled to get across to the island. When they safely reached Morgan's Rock, Betsy sat on a tree, hung her head limply and closed her eyes. It was when she was asleep that Peter saw the brand on her thumb. The brand was M-shaped, reddish brown, unmistakably a burn, clearly placed, and clearly meant to be seen. The M stood for malefactor. It meant that she was a felon, one of those for whom Peter had hunted.

For a while Peter could only think about who she was and what she had been. He saw her only as the runaway he and the others had sought, the felon they had looked for, and the felon that he alone had caught. The more he thought of it, the more it pleased him and the more he knew what he wanted to do -- to pretend to have noticed nothing and find a way to get her to return home with him.

Peter let Betsy rest while he went inland to get the rifle. However, when he returned, he found her gone. He had searched about one-fourth of the island before Betsy sprang out behind him and plunged into the channel in an attempt to reach the mainland. Because she didn't listen to Peter's command to stop, he pulled the trigger of his rifle, and Betsy spun around and then collapsed into the water as if dead. Peter stood motionless and horrified, for he was certain that he had killed her. He flung the gun away and never saw it again. Betsy bleeded badly and made no resistance when Peter dragged her back toward the island. He found that the bullet had cut her arm and quickly tore his shirt to use to bind her wound. He pleaded forgiveness and insisted that he take her home with him. Just as he was pleading with her, he heard his name. Mr. Shinn had come back to the island to find him.

The sound of Mr. Shinn's voice transformed both of them, but Peter was able to make up his mind that he would never tell Mr. Shinn or the others about Betsy. He told her to stay where she was and that he would come back with food. "Believe me, I won't tell them. I'll help you get away," he promised.

When Mr. Shinn saw Peter's appearance, he was shocked and demanded to know what had happened. Peter quickly told him a believable story. On their way back home Peter learned that the other felon, a young boy, had been captured. At home Peter was told about how the prisoner got across the river and how he eventually got caught. Peter was also taken to see the prisoner who was being held in a shed in the Shinn's back yard. As he had feared, Peter saw that the boy named Robert was even younger than the girl, no more than ten years of age. He, too, was dirty and shoeless and wore ill-made clothing. Unlike the girl, however, he did not have a brand on him. Peter was disturbed when Mr. Shinn told him that word had been sent to Trenton informing the owner that one of the felons had been captured. Mr. Shinn explained that Robert had to be returned because of the law, and that as Justice of the Peace he was bound to uphold all laws.

That evening Peter, although very tired, had difficulty sleeping thinking about the dilemma he faced. He reminded himself of the promise he had made to the girl. The question of the other prisoner made its way into his mind also. He thought, "How can I free the girl and not the boy? And if I freed him as well, would I not be twice at fault, twice in blame? And what would be the consequence?" More than once he wanted to get up and lay the truth before Mr. Shinn, but he was too fearful of what Mr. Shinn would do; after all, Mr. Shinn did tell him that he must uphold the law.

The next morning Peter walked and then waded across the channel to Morgan's Rock with some bread and cheese for Betsy. Now that Betsy was able to trust Peter, she related her story to him.

"Why did you run away?"

"I wanted to be free."

"You would have been free in time. It can only be worse for you if you're caught."

"Why were you branded?"

"I was a thief. I stole a ring from a lady in England because a man said he would feed me if I did. I was caught taking the ring and placed in prison where I pleaded mercy. That way I gained the King's pardon on promise of transportation. I was then sold to a merchant who brings felons to the colonies. I was sold for my labor until I become twenty-one years of age."

"You ran away with someone, didn't you?"

"Have they caught my friend?" she blurted out. " If so, please tell him I'm here. He's not a thief, as I was. I stole the ring from a jeweler to whom he was apprenticed. He took pity on me and tried to help. We were both put in prison and transported to the colonies. It was very bad in Trenton. He swore he'd run away. I begged him to let me go with him. Do you still mean to help me get free? Could you let him go free as well?"

Peter did not answer her questions, but he promised that he would come back with more food.

When Peter returned home, he quickly went to the shed and talked to the boy through a crack in the wood. He told Robert that Betsy was safe and that he would help her get free. Of course, Robert wanted to know if Peter was going to help him get free, too. Peter just answered by saying, "If you're willing." He told Robert that he would find a way soon.

Peter could not help feel that Mr. Shinn knew what was going on. In fact, he was asked to join a search party for the other missing felon. Peter believed that because Mr. Shinn did not know the particulars, sending Peter with the search party was his way of trying to force him to speak. Peter was now more resolved than ever to remain silent and continue with his plan. He thought about being cast out of the Shinn house and being arrested if his aid to the felons had been discovered. The more he thought about it, the more he was determined not to allow this to happen. He would leave before Mr. Shinn could act, and he would flee with the felons to Easton.

Peter did not join the search party after all. He was told to work in the field all day. Before he went to the field, however, he managed to take some food to Betsy and to tell her that he and Robert would come to her that night to continue the escape. That afternoon when he returned from the fields, he noticed that Mr. Shinn had returned and had learned that the felon was still not caught and that another party would be out in the evening searching for her near Morgan's Rock. During the brief conversation Mr. Shinn also told Peter that he was not sorry the girl left her master and that he would ask Mr. Tolivar to set the boy free. Peter could not believe that he was hearing Mr. Shinn talk of persuading the master to free the boy, while he himself held him prisoner in his shed.

When Peter was sure that the Shinns had gone to bed that night, he went to the shed to get Robert. Before leaving the property, he said good-bye to Jumper whom he had to leave behind. Robert and Peter moved slowly and quietly to the shore and waded and swam to Morgan's Rock. They found Betsy hiding safely and told her about their plan to move on to Easton. Their safety, however, ended when they were ordered to stand by a member of the search party. Together the frightened trio ran through the water along the shore's edge before heading inland to seek the protection of the bushes and trees. When they knew they were safe, they proceeded to find River Road. While continuing on the road, they heard the sound of a horse. Peter then told the two runaways to take themselves off the road and wait for him while he went forward to reconnoiter. As Peter walked up the road, he saw the silhouette of a horse by a tree in an open field. There was something about the horse that arrested his attention. The moment he recognized the horse as his Jumper, he spun around and heard Mr. Shinn calling him.

Mr. Shinn questioned Peter about the two runaways reminding him that the law said, "thee are equally guilty if thee help a bondsman escape." Peter refused to show him where Betsy and Robert were because he was afraid that they would be returned to their master. At that point Mr. Shinn knew that Peter was also planning to leave with two felons. Several times he said to Peter, "I am not holding thee." When Peter finally realized what Mr. Shinn was saying, he started to walk past him, but Mr. Shinn held him back and told him that he had forgotten Jumper. Peter and Jumper then trotted down the road to where the two were waiting. With the three passengers on her, Jumper threw herself into a gallop down the road toward Easton. All three now had their freedom, but Peter knew that he really did not want his.

When Peter knew without a doubt that they were safe, he slipped down from Jumper and told them that the horse was theirs. Peter bid them a brief farewell and headed for home, a long way off. He was fearful of what would happen to him, and as it turned out, was very surprised at what actually happened.

"Peter York," Mr. Shinn began, "thee has spoken and acted for me when I -- when I as your elder should have so done. Thee were right and I was wrong. I did not have the strength thee had." He bowed his head. "I needed thee -- who art no more than a boy -- to act for me. I, Everett Shinn, thank thee humbly."

The Trial of Gandhi's Dandi Salt Party
An examination of Mohandas Gandhi's campaign of nonviolence to win the independence of India from Great Britain

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ABSTRACT

This lesson will help students look at the historical battle waged by Mohandas Karamchand Gandhi for the independence of India against colonial power Great Britain. This lesson was designed to be the culminating activity of a study of the Indian Independence Movement. The scripted trial will allow students to weigh the value of established law and the use of civil disobedience to call attention to unjust laws. Included is a short biography of Gandhi; excerpts from a letter Gandhi wrote to the Viceroy, Lord Irwin; a copy of the arrest warrant for Gandhi; and a student handout which explains why the trial really didn't take place and how Gandhi's life ended.

GOALS

As a result of this lesson students will:

- gain knowledge of Gandhi's movement of civil disobedience in the struggle for self rule in India
- analyze the role of the responsible citizen in a democracy
- participate in the trial process

AUDIENCE

Grades 7-9; Junior High/Middle School students in Social Studies units covering India and Eastern Asia, or in American History in connection to Martin Luther King and the civil rights movement.

TIME REQUIRED

The actual trial can be done in one to two class periods, but an additional class period will be needed to prepare and practice for the trial. One class period should be given for debriefing the trial and follow up discussion and evaluation. (Total: 3 to 4 class periods.)

MATERIALS NEEDED

1. Appendix one, Handout #1: Background reading about Gandhi's life and political movement. (Some texts may have adequate materials.)
2. Appendix two, Handout #2: Trial Script
3. Appendix three, Handout #3: What Really Happened
4. Appendix four, Handout #4: Arrest Warrant
5. Appendix five, Handout #5: Gandhi's Letter to Lord Irwin
6. Appendix six, Vocabulary Sheet
7. Nice but not essential: a gavel and black robe for the judge

PROCEDURES

The students will have done the background reading on Gandhi and the Independence movement in India. The class will have discussed in large group session the incidents that have a bearing on the trial (i.e. the Amritsar Massacre, the Salt March, etc.).

The script of the trial will be passed out to the class and the roles described. The teacher may assign roles, students may volunteer, or small groups may be assigned to do the prosecution, defense, or jury/court officials, and assignment of roles can come from within those groups.

Practice time should be planned for the day prior to presentation to allow for student questions about content, vocabulary, and trial processes.

The activity could be planned for a Show Trial by one or more classes to be presented as a Team Activity for the entire team at the middle school level.

DISCUSSION QUESTIONS

(About the trial process)

1. Do you agree with the verdict of the jury?
2. Which arguments do you think most influenced the decision of the court?
3. Which witnesses were the most believable?
4. Which witnesses were the most damaging to Gandhi's case?
5. Which testimony was the most helpful to Gandhi's defense?
6. What were the disputed areas between the defense and the prosecution?

DISCUSSION

1. Can you think of other examples of civil disobedience or nonviolent methods used to try to get things changed? (Currently or historically.)
2. In a democracy, is it right for a citizen to disobey a law in order to try to get that law changed?
3. Some have said that our system of justice is not perfect. How would you react to that statement?

EVALUATION

STUDENTS will write a short paragraph for a culminating activity:

Gandhi believed that nonviolence is more effective than violence in calling attention to conditions that need to be changed. Do you agree with him? Why or why not? Support your opinion.

TIPS FOR THE TEACHER

Physically organize the classroom into a court setting. Make things as realistic as possible.

Layout of Classroom:
Judge's bench at the front of the room, centered. Bailiff's chair and desk on the judge's right (audience's left). Witness' chair on the judge's left (audience's right). Jury box on the far right of the room, between the witness' chair and the side wall. Prosecution/ plaintiff's table and defense table facing judge's bench, witness chair, and bailiff. Prosecution/plaintiff's table should be on the side nearest the jury box, since that party has the burden of proof.

Spend time with those students who will serve in the jury to emphasize the importance of the role they will play. Include the entire class in practice time and explanations that will take place the day before the actual trial.

To adapt for upper grade/gifted students: Have the class write their own mock trial for Gandhi. The class could be divided into two teams, prosecution and defense. After adequate research, each of these teams could prepare their case for trial, determining witnesses, writing their own questions, etc.

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- Rawding, F.W. *Gandhi & The Struggle For India's Independence*, Minneapolis: Lerner Publications Company, 1982.
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APPENDIX #1: MOHANDAS KARAMCHAND GANDHI, GREAT SOUL OF INDIA

Mohandas K. Gandhi continues to draw the attention of the world long after his death. Students of history still read about the man who called the attention of the world to the plight of his country in its fight for independence from colonial giant Great Britain. Gandhi was a man of small stature, who dressed most often in a dhoti, the garment of the ordinary Indian man. He traveled throughout the country of India to unite his fellow countrymen in his campaign against occupation by the British.

Gandhi was born on October 2, 1869, in Porbandar, India. His father was prime minister in the state of Porbandar, and his mother was a devout Hindu who shared her strong religious feelings with her son. Gandhi married at the age of 13, which was not unusual for the arranged marriages of that time. He continued his education and eventually went to England to study law. When he returned to India, he had difficulties earning a living as an attorney and finally took at job with an Indian firm in South Africa.

Arriving in South Africa, Gandhi found that Indian people there suffered severe discrimination because of the laws. He became the lawyer for the Indian laborers who had come to Africa to work. He stayed in South Africa some 21 years, resisting the colonial British laws that he felt to be unfair. His resistance was always nonviolent, and by the time he left to return to India, his countrymen in South Africa were receiving fairer treatment.

When Gandhi arrived back in India, he was greeted as a hero for the things he had done in South Africa. The Indian people were hoping that Gandhi could accomplish the same things in India because they, too, were governed by the laws of the ruling British colonial government. Gandhi's first task was to learn as much as he could about the situation in India since he had been gone 21 years. He took time to travel throughout the country, talking with the villagers and observing the problems first-hand. He later became a leader in the Indian National Congress party, through which he hoped to work for the improvement of his countrymen.

Gandhi became very influential with the people of India. He felt that he had to teach his followers the ways of nonviolence in order for his campaigns of civil disobedience to be effective. When they did things that did not please him, he would fast. The Indians had so much respect for Gandhi that they feared for his health, and they would do things Gandhi's way so that he would fast no more. On one occasion when a large group of his followers were gathered to protest a British ban on a visit by Gandhi in the town of Amritsar, the British commander ordered his troops to fire into the crowd, killing several hundred people. The killing was called the Amritsar Massacre of 1919, but there was no mass uprising by the people because of Gandhi's insistence that there be no retaliation.

Gandhi also took it upon himself to teach the Indian village people to spin their own cotton so they would not have to buy it from the British mills. This was but one step toward establishing economic independence, which Gandhi thought was necessary for India. On another occasion, Gandhi deliberately broke the salt laws which required that all Indians pay a tax on salt to the government and decreed that Indians could not process their own salt but must buy it from the government. Gandhi was eventually arrested and thrown in jail for this offense. By the end of his life, Gandhi had spent a total of 2338 days in jail.

[Note: Mr. Gandhi was often called Mahatma, a term of reverence for a wise and holy person.]

APPENDIX #2

The Trial of Gandhi's Dandi Salt Party

An examination of Mohandas Gandhi's campaign of nonviolence to win the independence of India from Great Britain –

A hypothetical encounter between Mohandas Gandhi and British rule in Colonial India

CHARGES

1. Illegally making salt
2. Inciting to riot or sedition (words or actions that make people rebel against the authority of the government).

WITNESSES

Lord Irwin, Viceroy of India
Webb Miller, news correspondent
Sgt. Major Smythe, salt tax collector
Mme. Sarojini Naidu, Gandhi follower
Jawaharlal Nehru, Congress Party president
Mohandas K. Gandhi

TRIAL SCRIPT

SCENE: A courtroom in Bombay. Gandhi sits at the defense table with his attorneys.

BAILIFF: All rise. The District Court of Bombay is now in session with the Honorable Sir C.N. Bloomfield presiding. The case of the Crown Colony of India vs. Mohandas K. Gandhi will be heard.

JUDGE: Be seated. This is the case of the Crown versus M.K. Gandhi on the charges of civil disobedience for illegally making salt and inciting to riot, an act of sedition against the Crown. Court is now in session. (GAVEL RAPS) Is the Advocate-General ready?

PROSECUTION #1: We are, Your Honor.

JUDGE: Is the defense ready?

DEFENSE: We are, Your Honor.

JUDGE: Does the Prosecution have an opening statement?

PROSECUTION #1: Yes, Your Honor.

JUDGE: Counsel, you may proceed with your opening argument.

PROSECUTION #1: We represent His Majesty's government and, through the testimony of witnesses we will present today, we will prove that Gandhi did willfully break the law dealing with the production of salt and incite many of his followers to break those same laws. Lord Irwin will testify that Gandhi did intentionally march to the sea to illegally pick up salt. We will introduce a letter written to Lord Irwin by Gandhi in which he states his intention to break the salt laws. Webb Miller, an eyewitness to the actual march to Dandi and to the picking up of salt on the coastline, will tell you the person he saw gathering salt on the morning of April 6 was Mohandas Gandhi. Sgt. Major Smythe will then tell you how the disciples of Mr. Gandhi disrupted the gathering of the salt tax following the March to Dandi. Our last witness will be Madame Naidu, the leader of the raid on the Salt Works at Dharasana following the arrest of Gandhi, who will, under protest, tell you how she accompanied Gandhi on his March to the Sea. The testimony of these witnesses will leave no doubt in your mind about the guilt of Mohandas K. Gandhi on the charges of illegally making salt and of inciting his followers to acts of civil disobedience and noncooperation with the government of Great Britain.

JUDGE: Thank you. The Court will now hear the Defense's opening statement.

DEFENSE #1: Yes, Mohandas Gandhi did pick up several lumps of salt along the shoreline at Dandi on April 6, but the defense will show his actions were justified because he had attempted to negotiate with the Viceroy to resolve these inhumane salt laws. The defense witnesses will tell you how Lord Irwin and the British government refused to negotiate in good faith. The defense will show you how Gandhi answered to a natural law which is higher than the laws made by man, such as John Locke's proposition that when a people are bound by tyranny they have the right to rise up and throw off those chains. While Mahatma Gandhi may have technically violated the British law, it is the position of the defense that the actions taken by Mr. Gandhi were indeed justified under the natural laws of God. Our witnesses will tell you of Gandhi and how a noble and innocent man has willingly placed his personal freedom in jeopardy for the independence of India.

JUDGE: Will the Prosecution please call its first witness?

PROSECUTION #2: The Crown calls Lord Irwin.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

IRWIN: I do. (sit down)

PROSECUTION #2: Lord Irwin, what is your official position in India?

IRWIN: I am His Majesty's representative in India. As Viceroy, I oversee all interests of the British Empire in India.

PROSECUTION #2: Do you know the defendant?

IRWIN: Yes.

PROSECUTION #2: How did you first meet Mr. Gandhi?

IRWIN: When I took over this position from Lord Reading, I was charged with the job of preparing for the committee that was coming from England to see if the people of India were able to govern themselves. Part of that preparation was to engage in talks with the Indian leadership and persuade them to consider a compromise with the Simon Commission in the dispute over the question of self-rule for India. I spoke with Mr. Gandhi as well as many of the members of the Indian Congress at that time.

PROSECUTION #2: Through your talks with Gandhi did you learn of Mr. Gandhi's political views?

DEFENSE #2: Objection. Hearsay. Lord Irwin may not testify to the views Mr. Gandhi expressed.

PROSECUTION #2: Gandhi's statements to Lord Irwin go to state of mind and are relevant to show the intent of Mr. Gandhi to violate the Salt Laws.

JUDGE: Objection overruled. (To the witness) You may answer the question.

IRWIN: I found Mr. Gandhi to be friendly, without bitterness, but outspoken in his belief that we, the British, were at fault in not allowing self-rule for India.

PROSECUTION #2: Could we have this document marked Exhibit A? (The attorney shows the letter to defense counsel, then hands the letter to the clerk. The clerk takes the letter from the attorney, marks it, and returns it to the attorney).

PROSECUTION #2: I'm handing you what's been marked as Prosecution Exhibit A. Do you recognize this document?

IRWIN: Yes.

PROSECUTION #2: Could you identify Prosecution Exhibit A?

IRWIN: Yes, this is a letter from Mohandas Gandhi that I received on March 2nd of this year.

PROSECUTION #2: I move that Prosecution Exhibit A be admitted into evidence.

JUDGE: Exhibit A is admitted.

PROSECUTION #2: Would you read the underlined portion of the letter to the court?

IRWIN: *Before embarking on civil disobedience and taking the risk I have dreaded to take all these years, I would fain approach you and find a way out .... I know that in embarking on nonviolence, I shall be running what might be termed a mad risk .... Conversion of a nation that has consciously or unconsciously preyed upon another, far more numerous, far more ancient and no less cultured than itself, is worth any amount of risk .... But if my letter makes no appeal to your heart, on the eleventh day of this month I shall proceed, with such co-workers of the Ashram as I can take, to disregard the provisions of the Salt Law.*

PROSECUTION #2: Did you respond to Mr. Gandhi's letter?

IRWIN: I refused to see Gandhi, but I did send a reply in which I told him that I regretted that he felt he must do something that would cause him to be in violation of the law. I consulted with other government officials, and we decided to allow him to go ahead with whatever he had planned. We had hoped that the Indian people would not go along with his plans.

PROSECUTION #2: Lord Irwin, did you attempt to stop Gandhi from his march to the sea?

IRWIN: No, I did not.

PROSECUTION #2: Thank you, no further questions, Your Honor.

JUDGE: (To defense counsel) Your witness.

DEFENSE #2: What did Gandhi tell you was his justification for disregarding the Salt Law?

IRWIN: I do not know why Gandhi decided to ignore the Salt Laws. There can be no justification for opposing the lawful and responsible government of a nation.

DEFENSE #2: Lord Irwin, you just read a portion of Gandhi's letter. Will you look at it again and tell us what were Gandhi's objections to the ruling government of India?

IRWIN: He criticized the system of taxes, in particular the salt taxes. He also demanded the reduction of the land revenues, military expenditures, and government salaries by 50 percent; he demanded the discharge of all political prisoners, the enforcement of the constitutional guarantees of freedom of expression; and finally the abolishment of the Salt Laws which did not permit the villages to use their own locally available salt.

DEFENSE #2: Lord Irwin, what is your salary?

PROSECUTION #2: Objection: relevance.

DEFENSE #2: Goes to Gandhi's intent, Your Honor.

JUDGE: Overruled.

IRWIN: It is something over 21,000 rupees ($7,000) per month plus other benefits.

DEFENSE #2: That works out to about 700 rupees per day. Do you know what the average Indian's wage is?

IRWIN: I do not know positively, but in his letter Mr. Gandhi said that it was less than two annas (4 cents) a day.

DEFENSE #2: So, assuming Mr. Gandhi is correct, is it fair to say that your salary is 5,000 times what the average Indian makes?

IRWIN: Yes.

DEFENSE #2: Lord Irwin, do you know how much the salt tax costs the average Indian?

IRWIN: I have been told that it averages out to three days' income for most.

DEFENSE #2: Do you think that is an excessive amount, your Lordship?

IRWIN: I think we all must pay our part.

DEFENSE #2: Lord Irwin, do you understand that the average Indian must use more salt in his diet than you will use in yours because of the type of manual labor he does.

IRWIN: Yes. I suppose so . . . .

DEFENSE: #2: Would you agree then that the poor pay more in salt taxes than the rich in India?

IRWIN: Yes.

DEFENSE: #2: Do you consider this responsible government?

IRWIN: This is the way the law is written. I did not write the law.

DEFENSE #2: But, do *you* consider it to be responsible government?

IRWIN: I don't know.

DEFENSE #2: Did you consider it responsible government to massacre hundreds of Indians because they were attending a political meeting in Amritsar in 1919?

IRWIN: My dear sir, that incident was handled by a former Viceroy, and I have no firsthand knowledge of the events at that time. I do know that His Majesty's government deeply regrets the actions of the British Army at Amritsar.

DEFENSE #2: No further questions, Your Honor.

JUDGE: The prosecution may call its next witness.

PROSECUTION #3: Your Honor, the prosecution calls Webb Miller.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MILLER: I do.

JUDGE: You may be seated.

PROSECUTION #3: Sir, will you state your name and occupation for the record?

MILLER: My name is Webb Miller, and I'm a newspaper correspondent for United Press.

PROSECUTION #3: Mr. Miller, where were you on April 6 of this year?

MILLER: I was in Dandi.

PROSECUTION #3: Why were you in Dandi on that date?

MILLER: I had been covering Gandhi's trip to that seacoast city for my newspaper syndicate.

PROSECUTION #3: Do you see Gandhi in the court room today?

MILLER: Yes.

PROSECUTION #3: Can you identify him for the court?

MILLER: Yes, he is sitting at the table with the defense counsel.

PROSECUTION #3: Let the record show that Mr. Miller identified Mohandas Gandhi, the defendant.

PROSECUTION #3: Did you observe Gandhi do anything in Dandi on April 6?

MILLER: Early on the morning of April 6 Mahatma Gandhi walked out into the sea and bathed and purified himself according to the Hindu custom. On his way out of the water at approximately 8:30 a.m., he picked up a lump of salt from the beach.

PROSECUTION #3: Thank you, Mr. Miller. The prosecution has no further questions.

JUDGE: Does the defense have questions for this witness?

DEFENSE #3: We do, Your Honor.

DEFENSE #3: Mr. Miller, were you with Gandhi and his party on the night of April 5?

MILLER: Yes, I was.

DEFENSE #3: Did you speak with Gandhi on that occasion?

MILLER: Yes, I and several reporters, foreign and Indian, talked with Gandhi that evening.

DEFENSE #3: Did Gandhi tell you what he hoped to accomplish by breaking the salt laws?

MILLER: When we asked him, he said . . . . "I want world sympathy in this battle of Right against Might."

DEFENSE #3: I have no other questions for Mr. Miller.

JUDGE: Mr. Miller, you may step down. The prosecution may call its next witness.

PROSECUTION #4: Your Honor, the prosecution calls Sgt. Major Smythe to the stand.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

SMYTHE: I do.

JUDGE: Be seated.

PROSECUTION #4: Sgt. Maj. Smythe, what is your current assignment in His Majesty's service?

SMYTHE: I am in charge of the collection of the salt tax for the western provinces of India.

PROSECUTION #4: How long have you had this assignment?

SMYTHE: Three years.

PROSECUTION #4: Did the Salt March led by the defendant have any effect on the collection of the salt tax?

SMYTHE: Yes sir.

PROSECUTION #4: What was that effect?

SMYTHE: In the weeks following April 6, Indians everywhere were breaking the Salt Laws by gathering salt, selling salt illegally, setting up illegal salt factories, and picketing government shops. The collection of the taxes on salt came to a standstill.

PROSECUTION #4: Were the people who were engaged in these illegal acts followers of Gandhi?

DEFENSE #4: Objection: foundation.

JUDGE: Sustained.

PROSECUTION #4: Sgt. Major Smythe, can you describe the garments of the people who were breaking the salt tax?

SMYTHE: Yes, sir. They were wearing caps, shirts, and dhotis made of a rough, homespun cloth.

PROSECUTION #4: Based on your personal experience as an officer in His Majesty's service in India, what is the significance of this type of dress?

SMYTHE: It is common knowledge that the followers of Gandhi wear clothing of homespun material because he has asked the people to spin their own thread and weave their own cloth to avoid buying English textiles.

PROSECUTION #4: Were people arrested for breaking the Salt Laws?

SMYTHE: Yes, sir. The Viceroy ordered mass arrests. According to our official records, by the end of the month, we had arrested over sixty thousand offenders.

PROSECUTION #4: Thank you Sgt. Major Smythe. I have no more questions.

JUDGE: Does the defense wish to question the Sgt. Major?

DEFENSE #4: Yes, Your Honor, we do.

PROSECUTION #4: Sgt. Major, you participated in these arrests, did you not?

SMYTHE: Yes, I did.

DEFENSE #4: None of these people were violent when they were arrested, were they?

SMYTHE: No sir, none of the arrests at which I was present resulted in any violence on the part of the followers of Mr. Gandhi.

DEFENSE #4: Thank you, Sgt. Major Smythe. No more questions.

JUDGE: Sgt. Major you may step down. Does the prosecution have additional witnesses?

PROSECUTION #5: Yes, our next witness is Madame Sarojini Naidu.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

NAIDU: I do.

BAILIFF: You may be seated.

PROSECUTION #5: Your Honor, Madame Naidu is a declared follower of Gandhi and we request the court to recognize her as a hostile witness and allow the prosecution to ask leading questions.

JUDGE: I'll allow you to proceed, subject to later objection by the defense.

PROSECUTION #5: Madame Naidu, you know the defendant, don't you?

NAIDU: Yes.

PROSECUTION #5: How long have you known the defendant?

NAIDU: I met Mohandas Gandhi in 1914 while we were both in London during World War I.

PROSECUTION #5: You accompanied Gandhi on his so-called Salt March, didn't you?

NAIDU: I accompanied him on the march for freedom.

PROSECUTION #5: Following Gandhi's arrest, you later carried out his plan for civil disobedience by leading an assault on Dharasana Salt Works, didn't you?

NAIDU: I led a *march* on Dharasana.

PROSECUTION #5: No further questions of this witness, Your Honor.

JUDGE: Does the defense wish to question this witness?

DEFENSE #5: We do, Your Honor. Madame Naidu, will you please describe your relationship with Mr. Gandhi?

NAIDU: I am a disciple and good friend of Gandhi. We have worked together to achieve the self-rule of India through the Indian National Congress party for many years. We met in London in 1914, and I knew then that Mahatma Gandhi would change our world. I am pleased to say that I have been a part of Gandhi's inner circle since 1917 and have been a dedicated advocate of nonviolent protest during these past 13 years.

DEFENSE #5: Madame, the prosecution asked about the incident at the Dharsana Salt Works. Can you tell us what happened on that occasion?

NAIDU: After we reached the compound, column after column of Congress volunteers advanced to the compound gates and were beaten back by native policemen with steel lathis. None of the marchers so much as raised an arm to ward off their blows. There was no fight. The marchers simply advanced until they were struck down. Over 320 marchers were injured. Webb Miller was there and wrote a column about the incident which appeared in over 1,000 newspapers here and abroad.

DEFENSE #5: The defense has no further questions of Madame Naidu.

PROSECUTION # 5: Your Honor, I have some questions for Mrs. Naidu on redirect.

JUDGE: You may proceed.

PROSECUTION #5: Madame Naidu, Gandhi's followers have resorted to violence on occasion, haven't they?

NAIDU: There have been some outbreaks of violence, but not with Gandhi's approval. In fact, Mahatma fasted until the violence stopped.

PROSECUTION #5: Madame, isn't it unrealistic to expect there will never be violence if you encourage people to engage in acts of civil disobedience?

NAIDU: Gandhi has devoted many years to teaching the process of active resistance which requires no reactions or violence in response to the actions of government representatives such as the police or army.

PROSECUTION #5: Yet despite that, some of his followers have engaged in violent acts, correct?

DEFENSE #5: Objection, Your Honor. Asked and answered.

JUDGE: Sustained.

PROSECUTION #5: No further questions, Your Honor.

JUDGE: Does the prosecution have further witnesses?

PROSECUTION #5: No, Your Honor, the prosecution rests.

JUDGE: Is the defense ready to present its first witness?

DEFENSE #6: We are, Your Honor. The defense calls Jawaharlal Nehru.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

NEHRU: I do.

JUDGE: Be seated.

DEFENSE #6: Mr. Nehru, what is your occupation?

NEHRU: My name is Jawaharlal Nehru, and I am presently serving as President of the Indian National Congress Party.

DEFENSE #6: Do you know Mr. Gandhi?

NEHRU: Yes, I first met Mahatma Gandhi upon his return to India from South Africa at a meeting of the Congress in Lucknow in 1916. I have had the privilege of working closely with Gandhi since then. He is truly a pilgrim on his quest of Truth—quiet, peaceful, determined, and fearless. The leader raised up for such a time as this.

DEFENSE #6: Mr. Nehru, do you agree with Gandhi's political beliefs?

NEHRU: Mahatma Gandhi and I are working for the same end, which would be the complete independence of India and secession from the empire of Great Britain. I am a devoted friend and confidant, and I seek his wisdom and leadership, but at the same time I would not have you believe that Gandhi and I agree politically on everything.

DEFENSE #6: Mr. Nehru, did you accompany Mohandas Gandhi on his Salt March to Dandi?

NEHRU: No. When Gandhi told us of his plan to march to Dandi to break the Salt Laws, I was astonished that he chose salt as the symbolic beginning of the coming nonviolent revolution that would free our nation.

DEFENSE #6: Mr. Nehru, did anything happen to you after the Salt Laws were broken?

NEHRU: Yes, I was arrested, along with most of the members of the National Congress Party.

DEFENSE #6: What was the result of your arrest?

NEHRU: I was sentenced to six months on charges of sedition and breaking the Salt Laws.

DEFENSE #6: Do you know what happened to other members of the National Congress Party?

NEHRU: Yes, they all received sentences from six months to two years on the same charges for which I was sentenced.

DEFENSE #6: I have no other questions for Mr. Nehru.

JUDGE: Does the prosecution have questions for Mr. Nehru?

PROSECUTION #6: Yes, we have, Your Honor. Mr. Nehru, Mr. Gandhi told you of his plan to violate the Salt Laws, didn't he?

NEHRU: Yes, he did.

PROSECUTION # 6: Nothing further, Your Honor.

JUDGE: Thank you, Mr. Nehru, you may step down. The defense may call its next witness.

DEFENSE #7: Yes, Your Honor. The defense calls Mohandas K. Gandhi.

BAILIFF: Raise your right hand, please. Do you affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

GANDHI: I do.

JUDGE: Be seated.

DEFENSE #7: Mr. Gandhi, why did you journey to Dandi?

GANDHI: It was my opinion that, in order to throw off the evil rule of the British in India, we had to find some symbol to signal the beginning of our nonviolent revolution to free India.

DEFENSE #7: And salt was the symbol you chose?

GANDHI: Yes. The British government holds a monopoly on the production of salt. It is against the law to make or buy salt from any other source. The law also provides for taxes on all salt. As the Viceroy testified, the average Indian pays a salt tax that amounts to three days' income. The tax is unfair because salt is needed by the peasants much more than it is by the rich man. Salt is a basic necessity and to tax it is inhumane.

DEFENSE #7: Mr. Gandhi, why did you write to the Viceroy on March 2 of this year?

GANDHI: I wrote to Lord Irwin outlining the civil disobedience that I was about to undertake, and asking for an opportunity to sit down with him to talk about the problems which made it necessary to hold this march. I was hoping that Lord Irwin would see the wisdom of trying to solve our problems without my having to resort to disobedience of the laws of India. Lord Irwin refused to see me so I had to lead the march to Dandi.

DEFENSE #7: Why did you feel it necessary to resort to a campaign of non-cooperation with His Majesty's government in India after Lord Irwin's refusal to meet with you?

GANDHI: I hold the British rule in India to be a curse. I fully admit leading the campaign to spread dissatisfaction with the government and encouraging my fellow Indians to reject the system of government we have at this time. I believe that His Majesty's rule has deprived the Indian people of their inalienable rights, their freedom, and the fruits of their toil.

PROSECUTION: Objection. This is irrelevant, and narrative. His Majesty's rule in India is not on trial here.

DEFENSE #7: Your Honor, the defense theory is that Gandhi's actions were justified. His motivations are extremely relevant to his defense.

JUDGE: Overruled. Please attempt to confine your response to the question, however, Mr. Gandhi.

DEFENSE #7: Did you believe you were justified in breaking the British laws?

GANDHI: I believe if any government deprives people of basic rights, then those people have a right to alter or abolish that government. I deliberately broke the Salt Laws; I encouraged my fellow Indians to refuse the rule of the British, and in doing these things I believe that I have fulfilled the highest duty of a good citizen. I do not ask for mercy; I expect to pay the consequences of these deliberate crimes. I also expect to draw the attention of the entire world to the injustice of His Majesty's rule in India.

DEFENSE #7: No further questions, Your Honor.

JUDGE: Does the prosecution have questions for this witness?

PROSECUTION #7: We do, Your Honor. Mr. Gandhi, did you not demand Lord Irwin reduce the land revenues, military expenditures, and government salaries, discharge all political prisoners, enforce the constitutional guarantees, and abolish the Salt Laws?

GANDHI: I did seek to negotiate with Lord Irwin on these topics. These are among the greatest evils which the British have imposed on India.

PROSECUTION #7: Mr. Gandhi, you led the so-called Salt March to Dandi, didn't you?

GANDHI: I did.

PROSECUTION #7: And you did pick up a lump of salt from the beach of Dandi on the morning of April 6, correct?

GANDHI: Yes.

PROSECUTION #7: And you did pick up other lumps of salt on other occasions between April 6 and your arrest on May 4, didn't you?

GANDHI: I did, on several occasions.

PROSECUTION #7: You did encourage your followers to break the Salt Laws, didn't you?

GANDHI: Yes.

PROSECUTION #7: No further questions.

JUDGE: Does the defense have other witnesses?

DEFENSE #7: No, Your Honor, the defense rests.

JUDGE: Does the prosecution wish to make a closing argument?

PROSECUTION #8: We do, Your Honor.

JUDGE: You may proceed.

CLOSING REMARKS BY THE PROSECUTION: Your Honor, members of the jury. This case is simply about the rule of law. The laws of British India regulate the production and gathering of salt for the benefit of the entire nation. The defendant broke these laws. Mr. Gandhi's own words in his letter to Viceroy Irwin show that he intended to break the laws. Madame Naidu, an eyewitness to the march, told you that Gandhi was indeed the person who picked up salt on the beach at Dandi. Madame Naidu admitted Gandhi planned and encouraged her to lead the assault on the Dharsana Salt Work. Sgt. Major Smythe told you how the collection of the salt taxes was brought to a virtual standstill by the act of civil disobedience planned and led by Gandhi. Gandhi himself told you he intended to break the Salt Laws to coerce and embarrass the Viceroy and His Majesty's government. Gandhi admitted leading the Salt March, admitted picking up salt at various times during the month of April, and admitted encouraging his disciples to do the same things. You need consider no other facts. If, however, other facts were needed, Mr. Nehru confirmed Gandhi intended to break the Salt Laws.

Ladies and gentlemen of the jury, the testimony of the witnesses proved that Gandhi did break the Salt Laws of British India. The testimony proved he intended to break the law, he individually broke the law, and he encouraged others to rebel against the established authority and break the law. Therefore, once the judge instructs you on the law, you will see you are duty-bound to find the defendant guilty. Ladies and gentlemen of the jury, we thank you for your time and effort in this case and know that you will give proper consideration to the facts and law presented to you and return a verdict of guilty.

JUDGE: Does the defense wish to make a closing argument?

DEFENSE #8: We do, Your Honor.

JUDGE: You may proceed.

DEFENSE #8: Mr. Gandhi has not denied breaking the Salt Laws and encouraging the people of India to do the same. Mohandas Gandhi has told you of his belief that there are certain "natural rights" given to mankind, not by government, but by nature. These natural rights allow each of us to preserve our lives, our liberty and our property, no matter how little. Gandhi and his followers believe their violation of the British government's unjust Salt Laws is similar to the action by patriots in the American colonies dumping tea overboard in Boston harbor to protest the British Parliament's tax on tea.

Gandhi's defense is simply that the British Indian laws are imposed upon an entire nation, unjustly, without representation of the people of India in the governmental process. The government of law which has been established by the British in India serves not the people of India, but the economic needs of the exploiter nation, Great Britain. British rule has made India more helpless than ever and subjected the Indian people to a reign of tyranny, not justice. Gandhi and his followers recognize that, in order to force Great Britain to make changes, the world community must see these injustices against the Indian people. We, therefore, ask you, ladies and gentlemen of the jury, to return a verdict of *not guilty* based upon those rights granted by a higher authority than the British government.

JUDGE: You have heard the evidence in this case. You now must decide whether the Defendant, Mohandas K. Gandhi, is guilty of illegally making salt and/or inciting to riot or sedition. Your duty is to determine the facts from all the evidence you have heard in this case. You must do your duty as jurors regardless of any personal likes or dislikes, opinions, prejudices, emotions, or sympathy. Under our system, the defendant is presumed innocent until you, the jury, are convinced of guilt beyond a reasonable doubt.

It is the prosecution's burden to prove each element of the offense beyond a reasonable doubt. If you believe the facts drawn from the testimony of their witnesses or cross-examination of the defense witnesses prove each element of the charged offenses, then you will find the defendant "guilty." If, on the other hand, you believe that the testimony of the witnesses for the defense or cross-examination of the prosecution witnesses has created a reasonable doubt with regard to any element of the alleged offenses, then you must find the defendant "not guilty." You will make a contribution to the administration of justice by arriving at a just and proper verdict. Bailiff, will you take the jury to the jury room for their deliberations.

BAILIFF: All rise. (lead jury to jury room)

BAILIFF: All rise. (upon the return of the jury)

JUDGE: Please be seated. Have you reached a verdict?

HEAD JUROR: (stand) Yes, Your Honor.

JUDGE: Please read the verdict.

HEAD JUROR: We find the defendant, Mohandas K. Gandhi, GUILTY/NOT GUILTY.

JUDGE: [If "guilty" . . . . Sentencing in this case will be on (date)]. {If "not guilty" . . . . Mr. Gandhi, you are free to go}. The court would like to thank the jury for its deliberations. This Court is adjourned (gavel).

THE END

APPENDIX #3
WHAT REALLY HAPPENED

Since this trial never took place, the dialogue has been created to reflect the facts surrounding the Salt March incident and to show how Gandhi and the other witnesses might have reacted and responded. Gandhi had been tried in 1922 on charges of sedition (inciting others to rebel against His Majesty's government through his writings). Gandhi pled guilty to these charges and asked to be given the punishment he deserved. The judge found him guilty and sentenced him to six years in prison (only two years were served because of Gandhi's poor health at the time).

The trial actually gave Gandhi a platform, or a way to call attention to his party's position, and because of that experience, Gandhi's biographers believe that the British government did not want to put Gandhi on trial again under any circumstances. So, when they were forced to arrest him after he announced the raid of the salt deposits at Dharasana, they did not want to give Gandhi a stage to gather the attention and sympathy of the rest of the world. The British government ignored their own established court system and simply imprisoned him under a 1827 law which allowed Gandhi "to suffer imprisonment during the pleasure of the government" without the benefit of trial. (This type of law is precluded in the United States by both the Fifth and Sixth Amendments to the U.S. Constitution which require, respectively, that "no man may be deprived of ...liberty ...without due process of the law" and "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury....")

There are few quotations included in the text of the trial. The material from the Gandhi letter to Lord Irwin, however, is authentic. Many of the phrases and terms used in the testimony of Nehru, Gandhi, Madame Naidu, and Lord Irwin were taken from transcripts of speeches, letters, and interviews in order to simulate the language each of these historical characters used. While Webb Miller did report the harrowing scene of the Dharasana Salt Works, there is no hard evidence that he accompanied Gandhi on his Salt March to Dandi. Several foreign correspondents made the long trek, and Webb Miller is simply representative of that group, any one of whom could have testified to Gandhi's act.

Judge C.N. Bloomfield was Gandhi's judge at his trial in 1922. All of the witnesses were real people, except for the Sgt. Major who testified to the effects of Gandhi's acts on the collection of the salt taxes. It seems logical that the collection of the salt taxes might have been the assigned tasks for one of the British officials.

Lord Irwin and Mohandas Gandhi were able to sign a pact near the end of 1930 in which the government agreed to allow the free manufacture of salt while Gandhi called off the campaign of civil disobedience which had increased following the infamous Salt March. Also, all of the "salt" prisoners were released from jail by the end of the year.

Even though Gandhi and the National Congress Party had declared January 26, 1930 to be their Independence Day, self-rule was not granted by Great Britain until August 15, 1947. Independence in 1947 resulted in the division of the former colony into two separate countries, India and Pakistan, because the Hindus and Muslims could not agree with each other. The boundaries were drawn largely along religious lines. Outbreaks of violence caused the Hindus to seek refuge in India, where the majority of the people were Hindu. The Muslims escaped from Hindu India to live in Pakistan, where the majority were Moslem. Thousands were killed in the religious rioting and warfare, much to the dismay of Gandhi and his followers.

On January 12, 1948, shortly after his 78th birthday, Gandhi began a final fast, to try to bring an end to the bloodshed between the warring religious groups. For five days he fasted and held prayer meetings in New Delhi. On January 30, he was assassinated by a Hindu fanatic. The person who had devoted his life to teaching nonviolent protest died as a result of violence. Gandhi's influence did not end with his death; many movements for civil rights and independence throughout the world, including the civil rights movement in the United States, can trace their roots to the teachings and philosophy of Mohandas K. Gandhi.

APPENDIX #4
GANDHI'S ARREST WARRANT

"Whereas the Governor in Council views with alarm the activities of Mohandas Karamchand Gandhi, he directs that the said Mohandas Karamchand Gandhi should be placed under restraint under Regulation XXV of 1827, and suffer imprisonment during the pleasure of the government, and that he be immediately removed to the Yeravda Jail."

APPENDIX #5
GANDHI'S LETTER TO LORD IRWIN
(Text compiled from edited material)

Dear Friend:

Before embarking on civil disobedience and taking the risk I have dreaded to take all these years, I would fain approach you and find a way out.

My personal faith is absolutely clear. I cannot intentionally hurt anything that lives, much less fellow human beings, even though they may do the greatest wrong to me and mine. Whilst, therefore, I hold British rule to be a curse, I do not intend harm to a single Englishman or to any legitimate interest he may have in India.

I must not be misunderstood. Though I hold the British rule in India to be a curse, I do not, therefore consider Englishmen in general to be worse than any other people on earth. I have the privilege of claiming many Englishmen as dearest friends. Indeed much that I have learnt of the evil of British rule is due to the writings of frank and courageous Englishmen who have not hesitated to tell the unpalatable truth about that rule. . .

I know that in embarking on nonviolence I shall be running what might be termed a mad risk, but the victories of truth have never been won without risks, often of the gravest character. Conversion of a nation that has consciously or unconsciously preyed upon another, far more numerous, far more ancient and no less cultured than itself, is worth any amount of risk. . .

Why? . . . It has impoverished the dumb millions by a system of progressive exploitation and by a ruinous, expensive military and civil administration which the country can never afford.

It has reduced us politically to serfdom. It has sapped the foundations of our culture. And by the policy of cruel disarmament, it has degraded us spiritually. I fear there never has been intention of granting Dominion Status to India in the immediate future.

The inequities are maintained to carry on a foreign administration, demonstrably the most expensive in the world. Take your own salary. It is over 21,000 rupees ($7,000) per month, besides many other indirect additions. You are getting over 700 rupees a day, against India's average income of less than two annas (4 cents) per day. Thus you are getting over 5,000 times India's average income. . .

On bended knee, I ask you to ponder over this phenomenon. I have taken a personal illustration to drive home a painful truth. I have too great a regard for you as a man to wish to hurt your feelings. . . But a system that provides for such an arrangement deserves to be summarily scrapped. . . Nothing but organized nonviolence can check the organized violence of the British Government.

If the Indian people join me, as I expect they will, the sufferings they will undergo, unless the British nation soon retraces its steps, will be enough to melt the stoniest hearts.

But if you cannot see your way to deal with these evils and if my letter makes no appeal to your heart on the eleventh day of this month, I shall proceed with such coworkers of the Ashram as I can take, to disregard the provisions of the Salt Laws.

This letter is not in any way intended as a threat but a simple and sacred duty, peremptory on a civil resister. Therefore, I am having it specially delivered by a young English friend who believes in the Indian cause and is a full believer in non-violence and whom Providence seems to have sent me, as it were, for the very purpose.

Your sincere friend,
M. K. Gandhi

APPENDIX #6
TEACHER RESOURCE: VOCABULARY LIST

These are some of the terms on which you will want to work with your students. Your textbook will contain most of the content terms, but a good dictionary will be a necessary supplement. Black's Law Dictionary may also be utilized for brief explanations of the trial process terms.

CONTENT TERMS

lathis
ban
ashram
dhodi
retaliation
civil disobedience
monopoly
sedition
tyranny
fast
secession
exploit
satyagraha

TRIAL PROCESS TERMS

verdict
justice
redirect
reasonable doubt
burden of proof
justification
hostile witness

APPENDIX #7
BRIEF EXPLANATION OF BRITISH LEGAL SYSTEM

Even though this trial is presented as taking place in a British courtroom according to the British legal system, the trial actually utilizes the principles and practices of the American system of justice.

Certain fundamental principles in the American system are very different from the principles of the British legal system. For example, in Britain there is no presumption of "innocent until proven guilty." The presumption of innocence until proven guilty is the foundation of many aspects of the American system, including bail and double-jeopardy.

The presumption of innocence and the prosecution's burden of proving guilt "beyond a reasonable doubt" require the prosecution be allowed to present its case first but also have the final word through the prosecution's ability to have closing argument rebuttal. The American legal system recognizes that the above presumption and burden make the prosecution's task more difficult and therefore the prosecution gets to have the first and last word in a trial. Because of the American legal system's presumption of innocence, if the prosecution does not prove its case, the defense need present no evidence at all and the prosecution is not allowed to suggest that a defendant's decision not to testify in his or her own behalf has any bearing on his or her likely guilt or innocence.

Additionally, on more minor points, in a British courtroom, all the barristers, as well as the judge, would be robed and would wear long white wigs. Further, the witness would not be allowed to sit in the witness chair, but would stand in the "dock" while responding to questions.

Old McDonald Had a Farm Until... A Study of Eminent Domain

Carole Savitsky
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INTRODUCTION

The following lesson plan asks the students to role play community members as they examine the issue of eminent domain considering the protections set fourth in the Fifth and Fourteenth Amendments. These lessons will give the fifth grade students an opportunity to examine a local issue from both emotional and legal perspectives.

GOALS

As a result of this lesson, students will:

- develop an understanding of due process as it is stated in the Fifth and Fourteenth Amendments to the U.S. Constitution;
- participate in a decision-making process;
- analyze the actions of a school board on the basis of the rules of due process and the emotions of a community;
- recognize that Constitution is a living document with concepts which are relevant to the 1990's;
- develop an appreciation of a local governing body, i.e., a local school board;

GRADE LEVEL

This lesson plan was developed to be used with a self-contained fifth grade class of gifted students. However, it would be appropriated for use by American history-related class from middle school through high school.

TIME REQUIRED

This lesson will take approximately eleven, fifty minute class sections to complete. This time frame does not include a school board meeting visit by the students nor any preliminary class time that may be needed to cover general information about the Constitution and/or Bill of Rights.

MATERIALS

- A copy of the Constitution of the United States.
- A document which explains eminent domain and state law.
- A national and/or local case of eminent domain, e.g.
  Hawaii Housing Authority et al. v. Midriff er al., 104 SECT. 2321 (1984) City of Oakland v. Oakland Raiders, 32 Cal. 3rd 60; 646 P. 2d 835.
- Black's Law Dictionary and/or Law Dictionary for Non-lawyers.
- Local School Board Rules and Procedures.
- Dictionary and Thesaurus.

PROCEDURE

DAY ONE

The purpose of day one is to introduce the Fifth and Fourteenth Amendments and provide a general understanding of due process. Distribute copies of the Constitution, and **HANDOUT 1 (vocabulary)** to the class. Introduce the Fifth and Fourteenth Amendments by reading each with the class. Refer to the vocabulary list to ensure that the students understand not only the meaning of the terms, but also comprehend their use within the Amendments.

Lead a discussion on the topic of due process using some or all of the following questions

- What experiences had the colonists had that led them to adopt the concept of due process?
- Do the Fifth and Fourteenth Amendments prevent governments from depriving citizens of life, liberty or property?
- Under what circumstances do citizens give up their rights?

Following the discussion, provide each student with a copy of **HANDOUT 2 (sections of the Fifth and Fourteenth Amendments**.) Direct the students to rewrite these using non-legal terminology.

DAY TWO

The purpose of day two is to agree on a group re-write of the Fifth and Fourteenth Amendments and to introduce the concept of eminent domain. Assemble the students into groups of three to five members. Instruct them to...

- each read their own re-write from HANDOUT 2.
- select a scribe to compile a group product.
- agree upon and write a group product.

This should take no more than ten minutes. It's helpful to give the groups a three minute warning before bringing them back together. Select one group to present their final document. Write this on an overhead, if available, as the students present. At this time, allow others to suggest changes, and agree upon a final rewrite. This should be typed and distributes to each student on day three. At this time, ask the students for a definition of eminent domain. You can allow someone to look it up and/or provide them with **HANDOUT 3**. Limit the class discussion of this new vocabulary word to a few minutes. Read the directions from HANDOUT 3 and assign for homework.

DAY THREE

In order to further develop understanding of eminent domain, invite an attorney to visit the class. Prior to the visit, the attorney should have received a copy of the lesson plan. Also, be sure the attorney has a clear understanding of your goals for your students. The purpose of the attorney is:

- to briefly discuss the belief in the right to private property and to explain eminent domain,
- discuss the homework question from day two,
- provide a few local, state, or national examples of the issue of eminent domain (see appendix 1 and 2).

DAY FOUR

This day will be used to provide students with a background of the role of the school superintendent and school board members. Prior to this day, the students should have observed an actual meeting, or viewed a video tape of a typical meeting. Provide each student with a set of school board guidelines, and briefly go over the guidelines for clarification. Invite both the school superintendent and the president of the local school board to the class. Their role will be to answer questions concerning their respective positions as the school superintendent, school board member, and participants in school board meetings. Both the school board president and the school superintendent should have received a copy of this lesson plan prior to their visit. Plan a thirty minute question and answer period. If there is a local issue of eminent domain, direct the students to not ask any specific questions about the local issue. The goal is for them to formulate their own ideas from the scenario they will receive after the guest speakers leave.

DAY FIVE

The students will continue to prepare for the development of the role playing activity. Provide each student with a copy of **HANDOUT 4 Old McDonald Had A Farm Until...**, and the list of characters, **HANDOUT 5**. Read and answer any questions. Tell the students which roles they will play, or have students self-select, whichever works best in your classroom. Spend about fifteen minutes brainstorming possible issues from each participant's point of view. List these on the board. During the last half of the class period, group the students according to their characters, i.e. school board people, school administrators and school attorney, community members who are against taking the land by eminent domain, including the land owners, and those who are in favor of taking it. The students will begin to develop their own role as participants in the matter.

DAY SIX

Most of the class period will be used to complete the development of roles. A document on eminent domain, summaries of cases, and/or local and state newspaper articles should be available for the students to use as they develop their roles. Remind the students not to discuss their views and/or strategies with others. The class attorney-partner's presence on this day will help clarify any legal questions. During the last ten minutes of class, have the students develop criteria which will be used to evaluate their school board meeting. (Refer to Teacher Tips). List all ideas and select the most appropriate. These criteria should be typed for use on day eight.

DAY SEVEN

The students will conduct a forty-five minute school board meeting. If the school superintendent, school board president or others are to be invited, be sure that this was done at least a week prior to day seven. Video tape the meeting. The newspaper reporters will write their stories for homework. To help the students review what they did, have them write two or three sentences to the questions who, what, how, when, where, and why.

DAY EIGHT

The students will view the video tape of their school board meeting. They should revise their answers to who, what, how, when, where, and why as they view the video. At the conclusion of the viewing, they will fill out their evaluation form, (the criteria they developed on day six.) They should use their answers to who, etc. as a guide. At this time, the reporters may also want to revise their newspaper stories for day nine.

DEBRIEFING

Joyful Noise: Poems for Two Voices and I Am Phoenix: Poems for Two Voices will be used for debriefing the students. The style of poetry presented in these books provides the student with a view of a issue from two sides. The poetry can be discussed during an additional class period, or during a language arts class.

DAY NINE

The newspaper reporters will each read their story of the school board meeting, and listen for the bias in each article. Lead the class in a ten minute discussion of the bias. Following the discussion, pair the students, one pro and one con on the local issue of eminent domain. Each pair will write a poem for two voices based upon the viewpoint they took in their role playing.

DAY TEN

This day is a continuation of the writing activity. By the end of the fifty minute class period, the students should turn in their poems. If necessary, allow extra time for this process. If necessary, assign this for homework.

DAY ELEVEN

This day can immediately follow day ten or be planned later in the week. Prior to day eleven, each of the poems should be typed. A bound copy can be made for each student as well as for each adult who assisted in the process. On day eleven, the students should each read their poem. Following the readings, lead the class in a discussion concerning individual rights vs. the rights of a community or state. The students should include the issues of:

- eminent domain,
- why governments have this power,
- how they feel about the process,
- does due process work?

EVALUATION

The evaluation takes place throughout the unit. The first evaluation is the response given by each child to their criteria. The second evaluation is the poem each pair will write. Through their poems, the teacher will be able to determine if the students understand the idea of due process, eminent domain, and the emotional versus the legal perspective of a decision. Finally, the students' understanding of the lesson will become apparant in their discussion following the presentation of poems.

TIPS FROM THE TEACHER

The actual simulation of a school board meeting is very exciting for fifth graders. As you present their role, allow them to develop their own character and the characters' names. Also, the students should dress appropriately for the meeting. Don't hesitate to encourage them to wear buttons, make bumper stickers, and/or signs. If name calling becomes an issue in your simulation, you may need an extra day to discuss possible effects on the community. When you develop criteria with the class, ask them what they think are the important issues to be evaluated. My students always seem to include:

- Did the person know their part?
- Did they show enthusiasm in their role?
- Did they know the issue, eminent domain?
- Did they use their new vocabulary and knowledge of the Fifth and Fourteenth Amendments?

These are just some examples from which to choose if your students need help in generating criteria. Students enjoy being involved in the evaluation process and will take it very seriously. This lesson plan was developed for a class of twenty-eight students; there are fourteen pro and fourteen con roles. Add or delete roles from the school board and audience to meet the needs of your room.

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HANDOUT 1
VOCABULARY

The following words appear in the Fifth and Fourteenth Amendments. Read each of the words and the definition before you read the Amendments. After you read and discuss the Amendments, write a sentence for each word. Be sure your sentence helps to define the word. This is to be completed before you do Handout 2.

jurisdiction = the territory within which authority may be exercised

equal protection = all people are treated the same under the law

due process = all decisions made by the government must be reasonable; the right to be heard

abridge = to lesson or diminish

compensation = an amount of money equal to the value of property taken or injury inflicted

immunities = freedoms from duty or penalty

naturalized = to adopt into a nation

HANDOUT 2
AMENDMENT V AND AMENDMENT XIV, SECTION I

Rewrite each section of the amendments in your own words.

Amendment V

...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb

nor shall be compelled in any criminal case to be a witness against himself,

nor be deprived of life, liberty, or property, without due process of law;

nor shall private property be taken for public use without just compensation.

Amendment XIV, Section I

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States

nor shall any state deprive any person of life, liberty, or property, without due process of law

nor deny to any person within its jurisdiction the equal protection of the laws

HANDOUT 3

EMINENT DOMAIN -- The power to take private property for a public use without the consent of the owner of that property.

Use the space below to add additional information from the group discussion.

Find your definition of due process. Read both definitions, and think about how they may be related. Can you find a reference to eminent domain in the Fifth or Fourteenth Amendment? Where? In what way(s) are the concepts of due process and eminent domain related within the amendment(s)? Why do you think the writers of the Bill of Rights put the concept of due process into the Amendments? Why do you think the writers of the Bill of Rights put in projections against the misuse of eminent domain?

HANDOUT 4 -- Scenario: Rural Oniondale

Emma and John McDonald are both farmers in their mid-sixties. They have been farming the family land, 56 acres, all their lives. The family farm was established before the Civil War. Some people have said that the old farm was used in the underground railroad. Since the old farmhouse burned down over fifty years ago, no records have survived. The McDonalds have no direct heirs. Their two sons were killed during the early 1970s in Vietnam. They are a very patriotic family and continue to fly the American flag every day.

The community of Oniondale is about five miles down the county road from the McDonald farm. It has developed into one of the more prosperous communities in the county. The town is about fifteen miles east of a major manufacturing and cultural center.

The high school was built in 1958 when consolidation occurred. It was very modern for the 1950's, and even had a science lab which was used by the high school and middle school across the street. The athletic fields, football and tennis, are no longer used. The high school population has grown beyond the capacity of the original school. Actually, an addition was built in 1967 on the parking lot. Six trailers were placed on the football field two years ago. Even the middle school across the street had to add four trailers this year.

Eighty-five percent of the students who graduated from Oniondale High School go on to college or technical school, and there is only a one percent drop-out rate. This is very unusual, in that the drop-out rate is much higher in the surrounding communities.

Two years ago, when the first trailer was ordered, the school corporation established a committee of school and community people to look at the problem. Everyone agreed that a new school was necessary in Oniondale. The lab facilities are very outdated, there are no athletic facilities at the high school, and the classrooms are crowded. An elementary school was built eight years ago, and it now has twenty-eight students per classroom. With new subdivisions, the projection is that within five years, another elementary school will be needed.

Some of the business leaders and school administrators decided to form a committee to look at the land in the county on which to build a new high school. They looked at all the open land in their county within a ten mile range of the center of town. The Old McDonald's property, fifty-six acres, was chosen. Since it was outside the city limits, the cost of the land was less than a fifty acre piece of property that one of the business leaders owned. Also, the McDonalds were only farming three-fourths of their property and it was only five miles further down the road. The school corporation decided that the McDonald farm would be perfect for the new high school. There was six acres more land than needed, but future growth had to be considered, and the community wanted a new soccer field and other athletic fields.

The school corporation of Oniondale sent a letter to the McDonalds. In the letter they explained why they needed the land and how much they were willing to pay for the fifty-six acres. The McDonalds refused the offer. The school corporation decided to obtain the property through the legal process called eminent domain. Old McDonald and his farm neighbors were very upset. No one could believe that the school corporation would take the land that had been in the McDonald family since before the Civil War. Furthermore, it may have been the site of historic activities. What can the McDonalds do? They have decided to go to a special school board meeting and present their side to the public.

HANDOUT 5

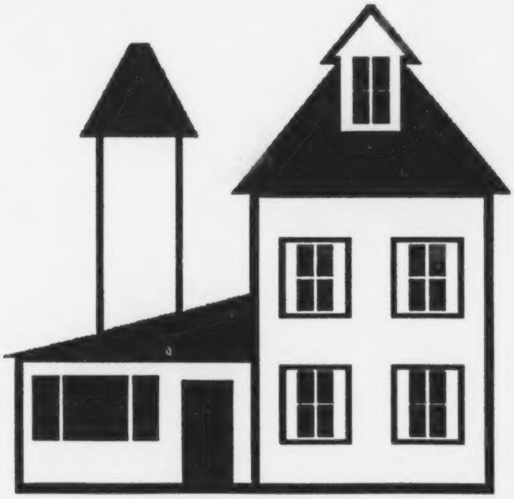
You will be asked to play a particular role at a school board meeting in Oniondale. There will be two sides to the issue, one side will agree with the school corporation, while the other side will agree with the McDonalds. You will be told which side your role represents. As you assume your role, give yourself a name which relates to your role in the community of Oniondale. You will want to develop your character, for instance, think how your character would respond to the issues, what questions and/or comments would your character have at the meeting? The school board meeting will be forty-five minutes long. The only two people who will not speak will be the reporters, but, they may ask you questions for their story at the end of the meeting. The reporters will write their story about the meeting in a manner consistent with their bias.

Agree with the School Corporation

- School superintendent
- School Board Treasurer
- School Board Members
  - Local Businessperson
  - Local Farmer
  - Housewife
  - Medical Doctor
  - Artist
  - Accountant
- School Attorney
- Newspaper Reporter
- Members of the Community with children in the school:
  - grade k-3 Mrs. Late Twenties
  - grade 4-8 Mr. Mid Thirties
  - high school Mrs. Late Forties

Agree with the McDonalds

- Emmy McDonald
- John McDonald
- Newspaper Reporter
- Neighbor 1 and 2
  - Mr. & Mrs. Also Farmer
- Neighbor 3 and 4
  - Mr. & Mrs. Also Neighbor
- Neighbor 5 & 6
  - Friends from Oniondale
- Attorney for McDonald's
- Member of the Historical Society
- Farm Bureau Representative
- Minister of McDonald Church
- Businessperson who supports the McDonalds



APPENDIX I Hawaii Housing Authority et al v. Frank E. Midriff et al.

The Hawaiian Islands were originally settled by Polynesian immigrants from the western Pacific. There was no private ownership of land; all land was held at the will of the island high chief.

Beginning in the early 1800s, there were repeated efforts to divide the lands among the crown, the chiefs, and the common people. However, it remained in the hands of a few. By the mid-1960s, 47% of Hawaii's land was owned by only 72 private landowners, with the state and federal governments owning nearly all of the remaining land. The legislature concluded that the vast land ownership by so few people was responsible for skewing the State's residential real estate market, inflating land prices, and injuring the public tranquility and welfare. To reduce these social and economic evils the Land Reform Act of 1967 created the means for condemning residential tracts and transferring ownership of the condemned land to existing lessees.

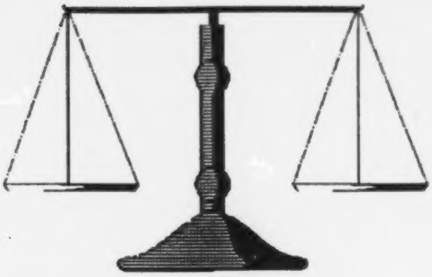
Under the Land Reform Act, tenants living on single-family residential lots within tracts at least five acres in size could ask the Hawaii Housing Authority to condemn the property on which they lived. When a certain number of lessees had filed applications, the Act permitted the Housing Authority to hold a public hearing to determine whether the State's acquisition of the tract of land would serve the "public purposes" of the Act. If the Housing Authority decided the public purposes would be served, it could acquire the land at prices set be a condemnation trial or by negotiation. The Housing Authority then could sell the land to the lessees who had applied for ownership.

When price negotiations failed in this particular case, landowners filed suit, asking the court to declare the Act unconstitutional because it violated the Fifth Amendment to the U.S. Constitution. The Fifth Amendment says that "...private property (shall not) be taken for public use, without just compensation." Therefore, the Supreme Court was asked to decide whether the Public Use Clause of the Fifth Amendment allows the State to take land away from landowners, in return for just compensation and to sell the land to the lessees. (The Fifth Amendment applies to the State through the Fourteenth Amendment.)

The Supreme Court has stated in other cases that "one person's property may not be taken for the benefit of another private person without a justifying public purpose, even though compensation be paid." However, where the exercise of the power of eminent domain is related to a public purpose, the Court had never found a compensated taking of land to be forbidden by the Public Use Clause. On this basis, the Supreme Court decided the Land Reform Act was constitutional.

The Court said that states long have had the power to regulate the market condition that exists when there are too few sellers and the evils associated with that condition. Also, the Court said the Act's approach to correcting these evils was not irrational. The Act presumes that when a certain number of people say they are willing but unable to but lots at fair prices, the land market is malfunctioning. The Act then authorizes the Housing Authority to condemn lots. However, the Act does limit the number of lots any one tenant can purchase.

Whether this Act achieves its intended goals is not the question. The Constitution only requires that the legislature rationally could have believed that the Act would promote its objective. When the legislature's purpose for condemning the land is legitimate and its means are not irrational, the Court will not debate the wisdom of taking the land. The Court will not substitute its judgment as to what constitutes a public use unless the use has no reasonable foundation.



APPENDIX II
City of Oakland v. Oakland Raiders, 32 Cal. 3rd 60; 646 P. 2d 835

The city of Oakland brought an action to acquire the Oakland Raiders, a professional football team, by eminent domain after the team announced it was moving to another city.

The city insists that what it seeks to condemn is "property" which is subject to established eminent domain law. The Raiders argue that the law of eminent domain does not permit the taking of "intangible" property which is not connected with land. Thus, the City cannot take the Raiders by eminent domain.

The Court said that the power of eminent domain is necessary to the very existence of government. When property exercised, eminent domain affords an orderly compromise between the public good and the protection of private citizens whose property is taken to advance that good.

The Court said that there is no constitutional restriction that limits the type of property that may be taken by eminent domain. The right of eminent domain includes every kind of property, whether land or personal property, whether tangible (capable of being touched) or intangible (not capable of being touched.)

The Court went on to say that there are limits to the power of eminent domain: 1) it must be exercised to acquire property only for a public use and 2) just compensation must be paid to the owner. "Public use" does not require that an entire community, or even a considerable portion of it, enjoy or participate in the use of the condemned property. Generally speaking, anything that is intended to promote the education, the recreation or the pleasure of the public is a "public use." In the past, eminent domain may have been exercised only to serve certain traditional public purposes, such as building roads, parks or schools, but the concept of "public use" has evolved and been expanded in recent years.

It is the facts of each case that determine whether a proposed use is a proper public use. Therefore, the Supreme Court told the trial court to listen to all the facts presented by the City of Oakland and the Raiders and then decided whether a public purpose would be served through taking the Raiders team by eminent domain.

To Sue or Not to Sue, Is it Worth it?

WylaGene Seal
Hunter Elementary
West Jordan, Utah

INTRODUCTION

With today's "suit happy" society, children have a misconception about how easy it is to sue someone and win a substantial settlement. Often children hear others threaten to sue someone or they see advertisements on television telling them that it won't cost them anything to take someone to court unless they win. This lesson takes students through the procedures involved in suing someone and helps them examine the costs of a suit (emotional and financial), and what they might win as a result of a lawsuit.

GOALS/OBJECTIVES

Students will figure out the cost involved in an ordinary lawsuit. They will evaluate cost versus the outcome of a lawsuit, their feelings regarding their costs, and the effects they might have on themselves and their families.

TIME REQUIRED

Three class periods

SUBKECT/GRADE LEVEL/AUDIENCE

5th grade to 9th grade

MATERIALS NEEDED

- Calculator for each student
- Copies of student worksheet for each student.
- One die
- Telephone books
- Chart paper and marker for brainstorming session

PROCEDURE

Day 1

Class discussion - Have the students discuss where they have heard of people suing another person (parents threatening to do so, TV commercials, etc.). Have they known anyone who has been involved in a lawsuit? Have any of them ever been in a courtroom? Try to draw out from the students their preconceptions of what is involved in a court case, and what they perceive the outcome of a court case to be. Have the students brainstorm a list of possible reasons for suing another person. Include all the ideas given by the students and then save the list on the chart paper for future use during the lesson summary. On another chart estimate the costs for an average lawsuit. On another chart list what the students believe their attorney would be doing for them in an average case.

Day 2

Pass out student worksheets and calculators. Teacher should keep the dice to roll at the given times during the lesson. This activity can be done as a whole class activity or in small groups of six or seven. It is best if the teacher makes a copy of the student worksheet on an overhead and fills in the totals during the lesson. Work through the student worksheet figuring out what the lawsuit will cost both emotionally and financially.

Day 3

(Debriefing/summarization/closure.) Hold a class discussion comparing how students' perceptions changed from before they walked through a case compared to what their perceptions were after they had completed the worksheet.

Go over the original chart of what students thought their attorney might do for them. Eliminate any misconceptions and add any additional tasks which an attorney performs. On the chart of possible court awards, circle the probable amount of outcomes/winnings and cross out those estimates which were out of the ball park.

As a class go over their original list of possible reasons for which they might sue someone and eliminate those which an attorney would not advise them to take to court. Discuss how their perceptions changed and why. Be sure to eliminate such items such as murder for which someone would be taken to criminal court and for which the students would not be able to bring suit against the defendant.

If time allows, bring in newspaper articles concerning current court cases and ask if the students believe these cases are warranted.

EVALUATION

As a final evaluation have the students list three things for which they might go to court and tell why. Also have them list three reasons for which they would not pursue a case in court and tell why. Then have the students write a short paragraph about the most surprising discovery they made during this exercise.

TIPS FOR THE TEACHER

Make sure that you keep a running total for the court case. It is too difficult to add up the court costs in the end. It is important for the students to understand how much is invested in each phase of the court case so that they can evaluate whether or not they think they can afford to pursue the case further.

It is important to compare the students' preconceptions regarding lawsuits to their post conceptions. Compare thoughts on costs, how long a case may take, and what an attorney does. Also examine the possible outcomes should an attorney omit any of the steps.

Since this activity is similar to a game wherein students use calculators and roll dice, you might have trouble keeping the students together and quiet. When the class becomes too noisy, you may "fine" the class or each responsible party $500.00 for a "contempt of court" fee. You may even awarded the case to the other side because a class/group failed to fill in their worksheets on time. It is important for the students to know that everyone dealing with the court system must respond within time limits.

It would be wise to make an overhead of the student worksheet or an abbreviated version so that you can write in the correct amounts as the activity progresses. This helps students follow along. Students often need further explanation of court procedures involved in a lawsuit, so keep them working together as a group.

Be careful not portray the attorney as a "bad guy" because his/her fees are high in comparison to what a minimum wage earner makes. Emphasize that the attorney has been to college and law school in order to prepare to represent them. This is an excellent opportunity to emphasize the importance of getting an education as opposed to working at a minimum wage job.

Since there are so many variables involved in a court case, be sure to let the children know that the number of hours used are estimates. The number of hours spent by their attorney will depend on how clear cut their case is, how well they have documented their case, how co-operative the other side is, and how much experience their attorney has in this field. The estimates found here are of the average number of hours spent on a ordinary, civil law suit. Emphasize to the children that the case they have just discussed would not be large corporate lawsuit or a lawsuit for something as devastating death or dismemberment, etc.

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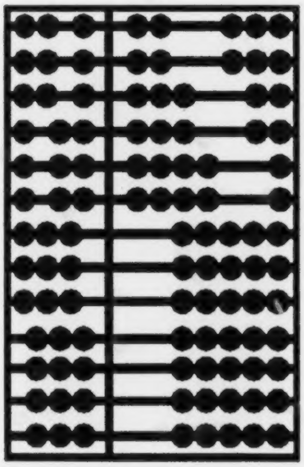

To Sue or Not to Sue, Is it Worth it?
Student Worksheet

On this worksheet you will keep track of the costs both emotional and financial for a given court case.

After brainstorming with the class a list of possible reasons to file a lawsuit, look in the phone book under "Lawyers" and select an attorney who you think could represent you. Fill in the blanks below.

Attorney's name ______________________________
Specialty ______________________________
Fee ______________________________

Rather than have everyone in the class call their chosen attorney's office to check on his/her fee, roll the dice to see what your attorney will be charging. Assume that attorneys charge between $85.00 to $175.00 per hour depending on their experience. If you roll a 1 your attorney will charge $85.00; 2-$105.00; 3-$125.00; 4-$145.00; 5-$160.00; and 6-$185.00. Record your attorney's fee above and use this figure to calculate all of your court expenses. (Advise students that attorneys who might advertise in the phone book and on television that "you pay no attorney fees until you win," usually take one-third to one-fourth of whatever you are awarded and they charge for all the court costs as well. You, as a client, will receive whatever is left after you have paid for all these expenses.)

Record your feelings
How did you feel choosing someone to represent you out of the phone book? Do you believe you know if you have a good attorney or not?

How long would you have to work at a job in order to pay for one hour of your attorney's time? (Divide your attorney's rate by the minimum wage of $5.00 an hour.) How many hours will you have to work to pay for one hour of his time?

Hours ________

If you work full time, or eight hours a day, about how many days will you have to work to pay for one hour of work by your attorney?

Are you willing to work this long in order to hire an attorney? Why or why not?

Your teacher will talk with you about the procedure that you will have to follow to prepare for court. You should follow along on this worksheet and fill in the fee for each step. Record your feelings as well as the running total cost.

INITIAL VISIT TO THE ATTORNEY

You visit with your attorney and tell him/her the facts of the case. You tell him/her your side of the story and give him/her all of your evidence.

Attorney Fee X 1 hour________________
Total______________

FACTUAL INVESTIGATION BY ATTORNEY

Your attorney researches the facts you have given him/her. He/she looks at the documents and informally interviews (talks on the telephone with) your witnesses.

Attorney Fee X 4 hours ________________
Total________________

ATTORNEY RESEARCHES THE LAW

Your attorney checks the state or federal laws to see if you have a valid claim or not. This may take from one to six hours depending on how clear cut your case is. Roll the die to determine how many hours your attorney must spend in order to research your case.

Attorney Fee X ___ hours ________________
Total__________________

FOLLOW-UP VISIT WITH THE ATTORNEY

Your attorney tells you what his research shows and advises you whether or not he/she believes you should proceed further. Your attorney might advise you to drop the case if the law says that you are in the wrong and you really don't have a reason for suit. If your attorney believes that the costs of prosecuting your case would be greater than what you would receive, he/she might advise you to drop the case. At this point you would pay the attorney for the time he/she has spent so far on your case.

Attorney Fee X one hour________________
Total__________________

Record your feelings

If your attorney advises you not to go to court with your case, how would you feel about having to pay for his/her time spent to date?

Decide which reasons for a lawsuit (previously listed by the class) would be illogical (financially & emotionally) to pursue.

Analyze which reasons for a lawsuit would be worth the cost to pursue. Record the reasons for which you are willing to proceed and continue spending time and money.

Pretend that your attorney has advised you that you have a valid case and that he/she feels you could win in court. Now your **attorney will ask for a retainer or a deposit of money** before he/she will continue further on your case. (Retainers run from about $1,000.00 to $15,000.00 depending on how big the lawsuit is.) To determine your attorney's retainer fee roll the die. His/her retainer fee will be $1,000.00 X the number you roll. Ex. You roll a 2. Your retainer would be 2 X $1,000.00 or $2,000.00.

Attorney's retainer fee__________________
Total__________________

Record your feelings

Brainstorm how your family will come up with your attorney's fee. Will you take the money out of savings, borrow it, sell something, make monthly payments to the attorney, etc. Write down your responses.

How will this affect your family's finances?

What might you have to give up to pay this fee?

Next your attorney will **draft the complaint (tell the court why you are suing)** and **file it in court**. This will probably take about two and a half hours. Then you must notify the person you are suing what is happening by giving them a summons. This summons is a document signed by the court which orders the person to respond to your charge. It is given to the person by a sheriff, so you have to pay the sheriff to deliver the summons.

Attorney fee X 2.5 hours ____________ Total__________
Filing fee $80.00 Total____________
Summons served-$20.00 Total________

DISCOVERY PERIOD

This is the time when both sides of the case try to find out what the other side will say in court. Your attorney will be talking to the attorney from the other side. He/she may choose to do any of the following procedures to decide what would be best to prove your case in court.

Interrogatories

Your attorney writes a set of questions that the other side must answer under oath. They have thirty days to answer. It will take your attorney about two to three hours to think of every possible question that he/she needs answered. It will also take him/her about one to two hours to go over the answers when he/she gets them back.

(Interrogatories:)

Attorney fee X 4 hours____________
Total______________

Request for documents
Your attorney writes the other side and requests a copy of their documents, such as contracts, pictures,etc.

Attorney fee X 1 hour_____________
Total_____________

Interviews with witnesses
Roll the die to see how many witnesses your attorney will need to talk to. Whatever number you roll will be the number of witnesses needed for your court case.

Number of witnesses _____.

Your attorney has two choices now. He/She can informally interview your witnesses or talk with them on the telephone. (Lets say the average phone call is about 1/2 hour.) Cost for an informal interview is

Number of witnesses _____ X (.5 X attorney fee).
Total_________

If your attorney feels that a witness may change his testimony or be unavailable at the time of the trial he may wish to question them formally in a **deposition**. This is a meeting in which your attorney meets with a witness from the other side along with their attorney. A court reporter is hired to record everything that is said and then provide you a written transcript. This costs about $600.00 dollars plus your attorney"s fee for anywhere from one to six hours depending on how many questions your attorney needs to ask the witness. Roll the die to see how many hours it will take your attorney to conduct each deposition. Cost for formal deposition:

(number of witnesses)_____ X ($600 + attorney fee X the number of hours your attorney worked.)
Total_____________

Roll the die to see which method your attorney will take. If you roll an even number your attorney has chosen to go with an informal interview. If the roll of the dice is odd then your attorney has chosen to go with formal deposition.

Fee_____________
Total_____________

Meet with your attorney again

Go over all the information that he/she has learned in the discovery period. After examining the evidence that the other side has, you must again decide if you want to proceed further with the trial. Look at your total cost now. Evaluate whether or not you can afford to go on with the case. The other side might be willing to just give you some money so that they won't have to go to court. This is called **settling out of court**. Would you be willing to accept less money now so that you won't have to go to court?

Attorney Fee X one hour ______________
Total_______________

Record your feelings

List the advantages of proceeding with the lawsuit.

Are there any disadvantages? List them.

Analyze how you will feel about going to court and being put on the witness stand. What do you think it will be like to be on the witness stand?

Would you be willing to settle now for less money or would you prefer going to court to try to get more money? (Remember you are not guaranteed that you will get as much money as you have asked for.)

Next you must decide if you would or would not like a trial by jury. This is a constitutional right. However, if you have a trial by jury, you must pay an additional $50.00 "jury trial fee" and you have to pay your attorney's fees for the time he/she spends interviewing the prospective jury and for the time he/she spends preparing instructions for members of the jury. (Most civil cases do not use a jury. However, all criminal cases do.) Roll the dice to see how many hours jury selection would take and calculate your cost. Your fee would be:

(number rolled)_____ X__________ (attorney's fee) plus $50.00 to file.
Total cost for a jury trial_____________

If you choose to not have a trial by jury, but rather go before a judge, enter 0 in the fee section and continue on.

Fee_____
Total__________

Prepare for trial
Your attorney will write a "court brief" to the judge. In this he/she will tell the judge what he/she will say and what he/she intends to prove in court. Your attorney will also meet with you to "practice", how you will answer questions in court and how you will act in court. Then your attorney will organize a list of witnesses and what he/she needs each witness to say. He/She will then write down all the questions he/she must ask each witness. He/She will also have to organize what he/she needs to ask each witness from the other side. Then he/she must evaluate the "evidence" he/she will use to see what can be admitted into court and what items will not be allowed. This procedure will take between ten to fifteen hours. So, multiply your attorney's fee by thirteen hours (an estimated average) of work.

Attorney's fee X 13 hours______________
Total______________

Trial
Your trial takes hours. (Roll the die again to see how many hours you will spend in court.) In court you must pay each witness a fee of about $14.00 and you must pay your attorney for his/her time. Calculate how much the trial will cost you.

Fee __________ (number of hours in court) X attorney fee_________
+ (number of witnesses)__________ X $14.00____________
Attorney fee + witness fee = Total trial fee__________

Total trial fee__________
Total__________

After the trial, a verdict will be given either by the judge or by the jury. If you win, you will be awarded a sum of money out of which you must pay for all your costs and attorney fees. If you sued because you were hurt or your property was damaged, you must use part of this money to pay those bills also. However, should the person refuse to pay this money, you will again have to take them to court. You will still have to find a way to collect or make them pay the fee. There is also the possibility that you will lose this case and have to pay all of the court and attorney fees out of your own pocket without getting anything from the other side, or the judge or jury may find them guilty yet not award you very much money.

Lets pretend that the judge awards you $25,000.00. Subtract the cost of the trial from this amount. How much is left to you for damages?__________ Now you must replace what was broken or pay for your medical expenses, etc. Roll the dice to see how many hundred dollars you must spend to pay these bills. (Ex. If you roll 5 then your medical bills were $500.00) Subtract this amount from what you have. Now how much will you actually gain after this court case is over? ____________________

Record Your Feelings

What would this amount of money buy you? List at least five items worth this much money.

Do you think that this is a fair amount of money for all the work and hardship you have been through? Why or why not?

Could you and your family afford to pay for a trial considering you are not certain that you could win?

It will have probably taken you one year to get your case to court. Every time you talk to your attorney it may bring up the hurt or angry feelings which directed you file for the lawsuit in the first place. Would it be better to forget about the incident or to continue fighting in court until the case is over? Analyze how you might feel and record those feelings.

Whoever you are suing will be very angry with you. After the case is over, you will probably not be friends anymore especially if they have to pay you money. Some of the witnesses may not appreciate being called on to testify against their friends. So, they may not be your friend again either. Which would be more important to you -- a friend or the money you might win in court? List the advantages and disadvantages of your choice.

Often people sue someone whom they don't know and won't see again. Would this make it easier for you to sue them? Record your feelings.

Should it make a difference if you do or don't know the person whom you are suing? Why or why not?

Would you want to play with or do something with someone who sued one of their friends or a neighbor of yours?

Ask your parents what they might sue over. How is their list different from yours?

For The Record

Cynthia Edwards-Jamieson
Knoxville Middle School
Knoxville, Iowa

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Clive, Iowa

OVERVIEW

This lesson plan will look at the following issues:

- What kinds of speech or expression are protected?
- What kinds of speech are not protected?
- Can the government put any limits upon a person's freedom of expression?
- Do public school students have the same First Amendment rights as adults?
- Has the United States Supreme Court ever ruled on public school student's First Amendment rights?

GOALS

As a result of this lesson, students will:

- Know what the First Amendment is by reading it and applying it to hypothetical cases.
- Analyze what kinds of speech or expression are protected by reviewing and discussing hypothetical case summaries.
- Analyze what kinds of speech are not protected by reviewing and discussing hypothetical case summaries.
- Know that the government can put limits upon a person's freedom of expression by reviewing and discussing hypothetical case summaries.
- Recognize that public school students do not have the same First Amendment rights as adults by reviewing and discussing hypothetical case summaries.

AUDIENCE

Middle school, high school, and university level.

TIME TO COMPLETE

This can be done in two or three class periods. However, lengthy discussion should be allowed.

MATERIALS

1. Blackboard (or overhead projector).
2. Handout #1: First Amendment
3. Handout #2: Freedom of Speech Violation/Yes or No
4. Handout #2: Freedom of Speech Violation/Yes or No - Teacher's Guide
5. Brett Martin Case Study

Key Concepts and Vocabulary

First Amendment
Pure Speech
Symbolic Speech
Fighting Words
Due Process of Law
Obscenity
Defamation
Commercial Speech
Hostile Audience
Heckler's Veto
Prior Restraint
Access to Information
Free Press
Fair Trail
Lewd
Offensive Conduct
Censorship
Objectify

PROCEDURE

1. Write "First Amendment" on the blackboard. Ask the students to define it using their own terms.

2. Put Handout #1 on the overhead (or make copies and pass out to all). The presenter should read over the handout and answer any preliminary questions. Key concepts and vocabulary should also be discussed.

3. Distribute Handout #2. Have students count off from one to five. Have all the students who share the same number assemble in a common area and then follow the instructions in Handout #2.

4. Before discussing each of the situations listed on Handout #2 explain that some cases are clear-cut and others are not. Students should be aware that many legal questions have no agreed-upon "right or wrong" answers. Most questions of law take into account a variety of circumstances.

5. Discuss each situation in Handout #2. Ask students how these cases could affect them.

OR

Have all students break into three groups for each question. One group is for those who support "Yes" there was a Freedom of Speech Violation. The second group is for those who support "No" there was not a Freedom of Speech Violation. The third group is undecided and stay in the middle of the room. Give each group time to formulate group responses on their positions and then debate each statement. Teacher can elaborate from Teacher's Guide.

6. Have students read a case study and newspaper clipping on the Brett Martin case. The objective is to read and decide whether there has been a violation of the student's First Amendment right of freedom of speech. The students need to be prepared to give reasons for their answers. Conduct counts in class. Each student is assigned a color (Blue, white, red).

Blues = Attorneys for Brett Martin
Whites = Attorneys for school
Reds = Judges

Each group should spend time formulating arguments (questions for judges). The blue and the white groups should develop arguments/ reasons which support their side of the case. Regroup into groups of three (one white, one red, one blue). Present arguments to judge (students go first). Judges ask questions and may take notes. Each judge reaches and announces a decision, with reasons. As a class, chart the decisions and reasons on the board/or flip chart. Analyze decisions - why? Why are there different decisions? What key concepts from Handouts 1 and 2 are present in Brett Martin's case?

EVALUATION

Students understanding of key concepts can be evaluated during charting of judge's decisions on board and discussion of reasons for decisions.

DEBRIEFING

Can be accomplished during discussion/ charting of judge's decisions and reasons.

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*** Distributed through ***
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HANDOUT #1

The First Amendment to the United States Constitution provides:

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The First Amendment applies to *Congress.* Following the adoption of the Fourteenth Amendment, the United States Supreme Court ruled that that First Amendment rights (as well as other civil rights) must be respected by the States. Public schools are instruments of the State and must respect First Amendment rights.

WHAT KINDS OF SPEECH OR EXPRESSION ARE PROTECTED? The First Amendment protects both **pure speech** and **symbolic speech**. "Pure speech" is that which is spoken or written. "Symbolic speech" involves expression through symbols. Flag-waving, for example, is symbolic speech. So is flag-burning.

WHAT KINDS OF SPEECH ARE NOT PROTECTED? Freedom of speech is not absolute. A person does not have a right to scream "Fire!!" in a crowded theater when there is no fire, because such an utterance presents a **clear and present danger** to those in the theater. The First Amendment provides some protection to statements of falsehood or ridicule, but **defamation,** which includes both libel and slander, is not protected by the Constitution. Speech may be protected by the First Amendment even if someone in the audience is offended by the speech. Speech which is so offensive that it constitutes **obscenity,** however, is not protected. The speech might not be protected by the Constitution if the listeners are a **captive audience** forced to listen.

CAN THE GOVERNMENT PUT ANY LIMITS UPON A PERSON'S FREEDOM OF EXPRESSION? Yes. The government may, for example, issue rules which restrict when, where, and how certain types of expression may be made. Such rules are called **time, place, or manner** restrictions. In general, time, place, and manner restrictions must be fair and must be **content-neutral,** that is, the restriction must not discriminate against a speaker on the basis of his or her message.

DO PUBLIC SCHOOL STUDENTS HAVE THE SAME FIRST AMENDMENT RIGHTS AS ADULTS? No, they do not. Students' rights are more limited. The school has the right and the duty to teach discipline, civility, good manners, and respect for the rights of others. Students who speak whenever and wherever they want may interfere with the school's functions. Even so students do have the right to their own views and they may express those view as long as there is no interference with school work or the rights of others. Fear of a possible disturbance ordinarily is not enough to justify prohibiting a student from expressing his or her personal views.

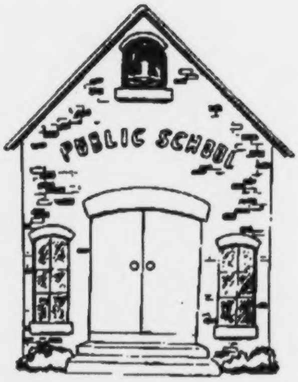
HAS THE UNITED STATES SUPREME COURT EVER RULED ON PUBLIC SCHOOL STUDENTS' RIGHTS?

Yes, it has. Three significant cases are summarized here:

Tinker v. Des Moines Independent Community School Dist. (1969). Three public school pupils were suspended for wearing black armbands to protest the government's policy in Vietnam. The Supreme Court ruled that, even though the armbands were symbols, they were "speech" within the meaning of the First Amendment. The Court also noted that students do not lose all of their First Amendment rights once they step onto school grounds. The wearing of the armbands, said the Court, was a silent, passive expression of opinion with no accompanying disorder or disturbance. A student's speech may be prohibited if it would materially and substantially interfere with the requirements of appropriate school discipline, or if it would interfere with the rights of others.

Bethel School Dist. v. Fraser (1986). A student used words of sexual innuendo when nominating a fellow student for a post in student government. The speech was intended to be funny, but it was clearly not appropriate as a nominating speech. The Supreme Court upheld the school's discipline of the speaker. The Court characterized the speech as vulgar, plainly offensive, indecent and lewd. The Court said that the school has the right to regulate the manner of public discourse; in other words, the school has the right to discipline a student for making a speech inappropriate to a government nomination. The Court also noted that the speech was made at a student assembly where students were not permitted to leave; they were a captive audience.

Hazelwood School Dist. v. Kuhlmeier (1988). Students wrote articles for the school newspaper concerning student pregnancy and the effects of divorce upon students. The principal objected to the stories on various grounds and the stories were withheld from publication. The Supreme Court, noting that the rights of public school students are not coextensive with the rights of adults, concluded that there was no violation of the First Amendment. The school newspaper was an educational tool, not a forum for public expression, the Court said. The Court also ruled that the school has the right to exercise editorial control over style and content, just as publishers of adult newspapers exercise editorial control over their publications.



HANDOUT # 2

Directions: Read each statement and decide whether there has been a violation of the student's First Amendment right of freedom of speech. Be prepared to give reasons for your answer.

Freedom of Speech Violation?

YES NO 1. The teacher asks questions in class. Several students, including Scott, raise their hands. Scott repeatedly blurts out the answer even though the teacher has not called on him. The teacher disciplines Scott for speaking in class.

YES NO 2. The teacher asks Mark if he knows the name of a certain historical figure in the American Revolution. Mark, who fancies himself a class clown, does not know the correct answer, but instead makes a joke. The class laughs. The teacher sends Mark to detention.

YES NO 3. An American Government teacher quotes Rush Limbaugh in one of his classes, and asks the students whether they agree with him. Lynetta, who has had no previous disciplinary problems, knows that the teacher likes Rush Limbaugh. She raises her hand, gets recognized by the teacher, and says, "Rush Limbaugh is a blowhard." The teacher disciplines her for making an inappropriate comment in class.

YES NO 4. At a school assembly before the big Homecoming football game, one of the football players is heard to scream, "We're gonna murder those s---heads tonight!" The coach suspends the player from the Homecoming game, saying that the suspension is justified because of the player's use of "foul language."

YES NO 5. All candidates for student council are permitted to address the student body at an assembly. The principal requires all candidates for student council to submit their speeches to her office in advance. A student who fails to submit a speech in advance, or who deviates substantially from the speech given to the principal, will be disqualified.

YES NO 6. Caroline is a candidate for student council and submits her speech to the principal. The principal tells Caroline that some of the comments in the speech are inappropriate. Caroline respectfully disagrees, saying that the comments are the basis for her election platform. The principal says that Caroline will be disqualified unless she removes those remarks from her speech.

YES NO 7. The principal tells all candidates for student council that they may put up posters in the hallways, but they may not distribute flyers. Violation of this rule will result in disqualification.

YES NO 8. In the hallway between classes, Corey corners Maria at her locker and says "You're looking really hot today!" Maria is Corey's former girlfriend and now wants nothing to do with Corey. She tries to get away from Corey but he blocks her path and continues to make sexually-related comments. A teacher sees and hears this and orders Corey to the vice principal's office.

YES NO 9. All seniors are permitted to submit a quote to accompany their graduation photos in the school yearbook. The principal reviews the quotes and decides that three of them are inappropriate. In one quote, a student refers to the vice principal by name and calls him a "perverted old fag." Another student submitted the quote, "Now that I've graduated, I can say with confidence, 'I've just wasted twelve perfectly good years of my life.'" The third quote is, "Oogah boogah!" The students who submitted these quotes get their pictures in the yearbook with no quotes below their pictures.

Freedom of Speech Violation? (continued)

YES NO 10. Larry wears a T-shirt to school that says, "Meet me under the coconut tree and kiss me under the nuts." Larry is disciplined for wearing the T-shirt and is ordered never to wear to school any shirt which will offend people.

YES NO 11. At the student graduation, the class valedictorian is permitted to make a speech. In the past, the valedictorian has been permitted to say a prayer as part of the speech. In this year's class, Ibrahim, a follower of Islam, is the valedictorian. He proposes to say a prayer which includes the words, "There is no God but Allah and Mohammed is his prophet." The principal, fearing that the audience of mostly Christians and Jews will find such words offensive, orders Ibrahim to remove the prayer from his speech. If Ibrahim refuses to comply, the principal warns him, "You may not graduate."

YES NO 12. One of the rules for a school-sponsored talent show is: "No music or songs will be permitted which contain direct or indirect references to drugs, alcohol, violence, sexuality, or any sort of criminal conduct." The rules further provide for severe penalties.

YES NO 13. Another rule for a school-sponsored talent show is: "No rap music will be permitted." The reason for this rule is that studies have shown a connection between rap music and incitements to violence.

YES NO 14. At the school prom, Stuart "gives the finger" to one of the teacher chaperons, Mr. Miller, after Mr. Miller tells Stuart to get a haircut. Mr. Miller ejects Stuart from the prom and refuses to allow Stuart a refund of his prom ticket.

YES NO 15. Several students send a petition to the principal, demanding that the school change its policy regarding searches of student lockers. The principal announces: "You've made your point. I don't want to see any more petitions on this matter." The principal receives another petition on the subject an hour later, and directs that all students whose names appear on the petition be disciplined.

YES NO 16. Some students are assembling peacefully on school grounds to protest the locker search policy. The principal has no objection to this, but she does object when one of the students produces a bullhorn and begins shouting demands which can be heard throughout the school (and throughout the neighborhood). The principal orders the assembly to break up and disciplines the student with the bullhorn.

YES NO 17. Two students at the school newspaper write an article about condom distribution in schools. The student editor approves the story. The supervising teacher, after consulting with the principal, orders that the article not be printed in the school's newspaper. The teacher explains that the principal feels such an article "would be too graphic and offensive."

TEACHER'S GUIDE

Although some of the situations below are clear-cut, teachers should be aware that many legal questions have no agreed-upon "right or wrong" answers. Most questions of law take into account a variety of circumstances.

1. Scott's First Amendment Rights have not been violated. This is a pretty clear-cut example of the principle that a teacher has the right to maintain classroom order and prevent disruption.

2. Jokes are a kind of speech protected by the Constitution, but once again, the key issue in this problem is the teacher's right to prevent disruption.

3. In this case, the answer is less clear. If there is no indication that Lynetta intended to disrupt the class, then Lynetta ought not to be penalized merely for holding an opinion different from the teacher's. Calling Limbaugh a "blowhard" would be neither libelous nor obscene.

4. In general, obscenity involves more than the mere use of a "dirty word" or two; when minor students are involved, a single dirty word might be considered "vulgar." In this case, the coach may have the right to insist that the players behave like sportsmen on *and off* the field.

5. In this problem, there is a possibility of discipline, but no student is actually disciplined or threatened with discipline. The question is whether the principal has some legitimate concerns that students might try to make a disruptive or libelous or obscene speech, or whether the principal has a legitimate concern that one candidate might substantially and materially interfere with the rights of others.

6. Here, a student is actually threatened with discipline. When the government seeks to censor a speech [or other verbal or written expression] before it is made, this is sometimes known as "prior restraint." As with the problem above, the question is whether the principal has some legitimate concerns that students might try to make a disruptive or libelous or obscene speech. The problem does not provide enough information to make this determination.

7. The question here is whether this is a reasonable, content-neutral "time, place, or manner" restriction.

8. There is not enough information here to determine whether Corey's comments were obscene, but they could be. Maria also might qualify as a captive audience. More to the point, sexual harassment is an interference with another's rights and is not protected by the First Amendment.

9. If a school offers to let a student submit a quote, the school cannot ordinarily censor the quote. The school should give advance notice of what kinds of quotes will be unacceptable, and this problem does not say if this was done. The first quote can probably be stricken because it may be libelous. The second quote is uncomplimentary to the school, but probably cannot be censored on that basis. The third quote is not obviously lewd or indecent; even some nonsense is protected by the First Amendment.

10. This message contains an obvious sexual innuendo which many people may consider vulgar. Whether Larry has a First Amendment right to wear the shirt to school is a close question, but the courts today would probably side with the school. Note that the order given to Larry about wearing offending clothing is arguably vague.

11. There are several legal issues presented by this problem: freedom of expression, freedom of religion, freedom from establishment of religion, and whether the school is discriminating against Ibrahim on the basis of his religion [which is prohibited by the Equal Protection clause of the 14th Amendment and civil rights laws]. This problem illustrates that freedom of speech may be closely connected with other rights. There is, by the way, no conclusive answer to this problem. Some activist groups are taking the position that a student-initiated prayer at graduation is permitted by the Constitution; others disagree, saying that formal prayer has no place at school functions.

12. This rule is arguably so vague as to be unenforceable. Arguably songs about love might be deemed to relate to "sexuality" and a song about injustice might be deemed to relate to "violence" or "criminal conduct." Courts are hesitant to enforce vague restrictions on expression.

13. This restriction is perhaps a little less vague than the one just above, but it is arguably vague nonetheless because not all rap music urges violence. In addition, the school should have more than mere fear of a disturbance before it may censor expression which will not affect the educational processes or the rights of others.

14. Giving someone the finger is an example of symbolic speech; the insult is gestural rather than verbal. Unlike the black armbands in the *Tinker* case, this insulting symbolic speech is arguably aggressive and disruptive.

15. The principal is on pretty shaky ground here, as long as the petitions were presented in an orderly and civilized way. Note that the principal decided to discipline those who signed the second petition, even though those students may have signed before the principal made the announcement.

16. In this case, the use of an amplifier has resulted in an infringement upon the rights of others to be let alone, and taking action against the user of the bullhorn may be an appropriate "time, place or manner" restriction. It is less clear, however, whether the principal has the right to break up an otherwise peaceful assembly.

17. In general, the supervising teacher and principal act as publisher for the paper, and the publisher has final say about what stories are inappropriate for the readership.

BRETT MARTIN CASE STUDY

PROM JOKE LEADS TO JAIL IN KNOXVILLE, IOWA

May 1993

A senior at Knoxville High School was arrested at the school prom, where he stepped out of his prom date's car in a red dress. Martin and his friend, Terry Massick, decided to go to the prom as a couple after Massick's date, Casey Norton, decided she did not want to go. Massick wore the pants and Martin in a spaghetti-strapped red sequin dress and a long brown wig. Martin was arrested for criminal trespassing by the Knoxville police, who were informed of Martin's plans by school officials. The school officials were concerned about Martin's appearance for two reasons:

1. They were concerned whether or not Martin had a ticket for the prom.

2. They felt Martin was not dressed "appropriately" for the school function.

Bill of Rights

** This is a real case. As of this date, there has been no resolution.*

Prom stunt makes Martin instant star

By Darcy Mallo
Journal-Express Staff Writer

Knoxville School officials saw red en a KHS senior stepped out of his m date's car in a red dress on urday night — and the rest, as they , is history.

Brett Martin, 18, was arrested as he ived at Knoxville High School's nior-senior prom Saturday night, d as a result, he earned national lebrity status in less than 24 hours - simply for borrowing his sister's d prom dress as a prank.

Martin has now become the focus f a media commotion, as reporters, lk show hosts and television producers from across the nation continue to battle for a few precious moments with Knoxville's newest celebrity.

"We just wanted to have a couple of laughs," Martin said this week. "The world's way too serious."

Not only was Martin arrested for his choice in clothing, but he is getting ready to make his network debut on the talk show circuit. He was a guest on "The Maury Povich Show," which was taped Tuesday in New York City.

Rather than being nominated as the prom queen, however, Martin hit a

'Prom prank
Please turn to page 2A

Students support prank

By Richard Pratt
Journal-Express Editor

Brett Martin's cross-dressing practical joke at the Knoxville High School Junior-Senior Prom has gained the support of the majority of his classmates — but there are some opponents in the KHS student body as well,

"I think it's good," said Heather LaMotte, a KHS sophomore who described herself as a friend of Martin's. "It's his senior year ... I was nervous about going to prom, and he just made it more relaxing. He was making it fun, more casual."

LaMotte said most of the students were aware of Martin's plans before Friday night. "All the students wanted him to do it," she said. "Everybody was totally for this."

She described Martin as independent. "He's not a follower," she said. "He does things his own way."

She also said she was opposed to the school's decision to arrest Martin when he arrived at the prom. "I was really mad," she said. "He wasn't doing anything wrong. I don't think the school had to be so uptight about it."

Student views
Please turn to page 2A

Terry Massick and his 'date,' Brett Martin, pose for a photo just prior to their fateful trip to the Kn
School Junior-Senior Prom. This photo was provided to the Journal-Express by Sharon Bennett.

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Trespassing charge based on lack of ticket

Prom prank

Continued from page one

[illegible] with school officials and the funny bone of many spectators.

The idea to put Martin in a dress began when friend Terry Massick's prom date, Casey Norton, bailed out on Massick last Monday. The idea evolved for Massick and Martin to attend prom as a couple, with Massick wearing the pants in the relationship and Martin dazzling his date in a spaghetti-strapped red satin dress and a long brown wig.

Instead of a magical night of elegance and dancing, Martin was arrested for criminal trespassing by Knoxville police, who were informed of Martin's plans by school officials.

Knoxville High School principal Jim Thornton said there were two reasons school officials were concerned about Martin's appearance in a dress at the prom. First, they were concerned whether or not Martin had a ticket for the prom; second, they felt Martin was not dressed "appropriately" for the school function.

Martin said Monday afternoon that he felt he had purchased a ticket for the event. After meeting with school officials, he spoke with a teacher, who assured him that the cost of the ticket would be placed on his senior bill.

Thornton said he spoke with Betsy Cooper, a lawyer for the School Administration of Iowa, about Martin's plan to flaunt a red dress and fishnet tighfs at the prom.

"We discussed the issue, and it is a privilage to attend extra-curricular school functions," Thornton said. "If there is a potential for disruptions (at the school activities), there are grounds for denying (admittance).

"He was trying to go against the system," Thornton added. "We have one formal occasion a year, and people spend a lot of money on it to make this a very classy affair. When people try to poke fun at it or make a mockery out of prom, it just isn't fair."

Thornton said he first heard about the Martin's choice for attire on Friday afternoon in school.

"I had heard about it in the halls, but Martin approached me as well," Thornton said. "When we talked about it Friday, he told me about his decision to come as a date and to wear a dress, and I said that that was not appropriate.

"We also discussed that he could come to the prom if he chose to come in appropriate dress. He stated to me that it was very costly for him to get a tuxedo, so I offered to get a tux for him."

Martin continued with tho plan to wear the jokingly provocative dress he borrowed from his sister, Jennifer Leslie. Jennifer also helped Martin put the finishing touches on his ensemble by helping him with his make-up.

Witnesses who were on the scene at the time of Martin's arrest said that, Martin did not make through the front door of the high school. He was arrested when he stepped out of his vehicle in front of the school to participate in the traditional "walk-in" promenade.

Knoxville Police Officer Sam Nichols was in charge of the arrest. Nichols was aided by Harv Sprafka and Knoxville police reserve officer Tom Barnett.

The entire event has created a media commotion of epic proportions and captured the hearts of many talk show hosts, including producers for "The Maury Povich Show" in New York City.

Beth Stollers, press representative for the show said Martin, Massick and Norton, the former prom date will all be appearing on the show.

Although the show is being taped this week, no air date has yet been set for the program, which airs on NBC. Stollers also added that the show became aware of the cross dressing situation through a New York newspaper article.

A photo of Martin posing in his red dress was placed on the Associated Press wire service. According to reports, Martin's picture appeared in papers across the United States including newspapers in Las Vegas and New York City.

According to Linda Lipman, spokeperson for the Maury Povich Show, the plans were in the works to begin taping the show this morning.

"I think this is probably the first time any of us have ever seen a young man in this situation," Lipman said. "As I understand it, there were a lot of talk shows clamoring for him. But we were the first to get to him.

"This way, our listeners will be the first to hear the whole story from him and his family," she added, "and I as understand it, the superintendent (Randy Flack) is also going to be on the air."

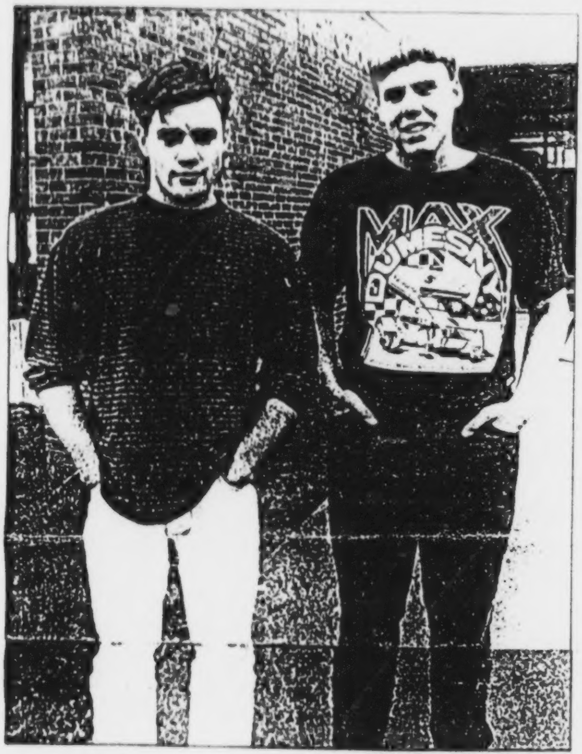
Thornton said that Martin was asked to leave the prom; however, when he refused to leave, he was charged with criminal trespassing.

Knoxville Police Chief Chuck Wooldridge-said that the charge is a simple misdemeanor and that Martin was given a ticket, but never placed in jail.

Martin was released a short time later after he made a promise to appear in court on May 10.

Martin could receive a fine of up to $100 or 30 days in jail.

> "When people try to poke fun at it or make a mockery out of prom, it just isn't fair ... I offered to get a tux for him."
>
> **Jim Thomton**
> **KHS principal**



Journal Express Photo/Richard Pratt

Brett Martin and Terry Massick in their 'street' clothes.

Whole issue was 'overrated'

Student views

Continued from page one

"I think the whole thing was overrated," noted Brian Brooks, a KHS junior. "It was just a joke."

Brooks said he was told by teachers that Martin's prank would disrupt the prom's dignity. "I was one of the people helping decorate for the prom, and all the teachers were saying that this was going to ruin everything," he said, "but I thought it was fun. It's good to have change."

However, Dee Dennison, a KHS senior and president of the Student Council, said she supported the school's decision to keep Martin out of the prom.

"First of all, he didn't have a ticket," she said. "He says he did, but he didn't.

"To me, he was mocking the prom," she noted. "We spent a lot of money and time on it, and it was something that was important to us. Plus, if this happened this year, who knows what'll happen next year? If it was a costume party, it would be OK. But this was a prom, and you wear prom clothes. If it was a basketball game or some other school event, he would have been asked to leave, too."

Dennison also said she felt it was important for high school principal Jim Thornton's story to be heard. Thornton has been criticized by many students for asking that Martin be arrested when he arrived.

"There are people that are saying Brett's not telling the truth," she said, "so we want Mr. Thornton's story to be out."

Dennison admitted her opinion is in the minority among KHS students, but said that doesn't bother her.

"I don't think people necessarily agree with what he did, but they feel he shouldn't have been arrested," she said. "When you stand up for what you believe, people put you down. They just like to argue."

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100 Years of Looking the Other Way: Discrimination and the 1964 Civil Rights Act

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LESSON OVERVIEW

When studying the Reconstruction period, the 13th, 14th, and 15th Amendments, or the 1960's, it is important for students to understand that it took another 100 years for the rights of African Americans to manifest themselves. In this lesson students will work in small groups and individually to understand the history of discrimination in the U.S. prior to the 1964 Civil Rights Act. They will also prepare and conduct oral interviews with people who remember the 1964 Civil Rights Act in order to learn about the impact of this piece of legislation.

GOALS

As a result of this lesson, students will:

- Understand the impact of discrimination in the U.S. prior to the 1964 Civil Rights Act.
- Investigate and recognize instances in history where individuals' Constitutional rights have been denied.
- Understand how life changed in the U.S. as a result of the 1964 Civil Rights Act.
- Learn how the community can serve as a historical resource.
- Learn how to develop questions, take notes, and conduct an oral interview.

GRADE LEVEL

8th-12th grades

MATERIALS NEEDED

A large sheet of poster paper and markers.

BACKGROUND

Students should have an understanding of the 13th, 14th, and 15th Amendments of the Constitution.

PART I

1. Divide the class into groups of four or five students. Give each group of students one of the skit descriptions on handout 1. The students will create short skits to depict the problems listed on their handout. Depending on how detailed you want the skits to be you may also require the students to use outside sources to do further research on their assigned problem. It is also fun to tell the students that each one is responsible for creating a prop to use or wear during the skit.

2. Before the students present their skit, hang a big piece of poster paper in the front of the room with two columns on it. Label the top of the first column "Problems" and the other column "Rights Denied."

3. Have the first group of students present their skit to the class.

4. After the skit has been presented ask the class to generate ideas as to what the underlying problems are. Then have students look in the Constitution for any protection against this type of discrimination. Students should explain the rights denied and where it can be found in the Constitution. Write all of the ideas on the sheet of paper. Once they have exhausted ideas for the first skit go on to the next and continue the process. When the skits are finished the students should have an understanding of some of the basic problems facing African Americans after the Civil War and before the 1964 Civil Rights Act.

PART II

1. Write on the board "100 years". Have the students write down changes that have occurred in the last 100 years. Discuss the ideas and share the changes that they know have happened in the last 100 years. Discuss what 100 years would be in terms of human life. Try to get across the idea that many things can change in 100 years and life can be very different. Also, have them write down family members that they know lived prior to 1894. Many students will not be able to name their great grandparents or their great-great grandparents. Discuss the fact that some do not even know these people.

2. State that the 13th, 14th, and 15th amendments were passed in the 1860's and yet it was not until the 1960's that the people received the benefits of these laws. Be sure to get the point across that many of the people who were supposed to receive these benefits were no longer alive to enjoy them.

3. At this point explain to the students that they will be using their parents, grandparents, uncles, aunts, etc. to help them do a research project. The project requires students to interview people who lived during the 1960's. They will find out what life was like in the U.S. and how it changed once the 1964 Civil Rights Act was passed.

4. Post the papers from the previous day on the board to refresh their memory as to the problems which African Americans were facing.

5. Give the students handouts #2 and #3. Have the students review the main points of change that the Civil Rights Act brought about. Then go over the handout on oral interviews.

6. Students will work to generate at least 15 questions that they could ask family and friends. Be sure to explain that the questions should help them to better understand what was going on at the time.

7. Peer edit the questions. The small groups should evaluate the questions and give suggestions for improvement.

8. Students should find a partner to conduct a mock interview with. Practice asking questions and taking notes. Once both people have had a chance to interview go over the notes to make sure that they are accurate.

9. The students will now conduct an oral interview with a person who can remember the years before 1964. They are to ask their questions and record their information. You might want to allow them to use a tape recorder for the interview. Be sure to mention that they need to ask their subject if a taped interview is acceptable.

10. Once the student has interviewed at least two people, (the more people the better), they are to write a summary of what life was like in the U.S. before and after the 1964 Civil Rights Act. Be sure to tell the students that this summary should be in proper essay form with paragraphs, introduction, conclusion, etc.

11. To make sure that the students are being honest with their interviews you might require a personal signature from the interview subjects.

12. As a wrap up have the students read their summaries to small groups in the class and discuss some of the interesting things that were said to them.

Note: If you live in an area where there is an African American population, strongly encourage the students to interview them. Some areas of the U.S. will have more difficulty with this than others based upon demographics.

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Handout #1

1. The date is November 2 and it is time to vote. You and your friends are excited about being able to go and have a say in the government. When you arrive at the polls you are told that you will have to pay a poll tax and pass a literacy test in order to vote. When you ask why the whites do not have to do this you are told that their grandfathers were eligible to vote on January 1, 1867 and that means that they do not have to pay or take the test. (Note, only whites had been eligible to vote on this date.) This seems very unfair to you since some of you do not even know who your grandfathers were since you were sold off as a slaves at very young ages. The only way around paying the poll tax and taking the literacy test seems to be available only to the whites who had grandfathers voting in 1867. **Create a skit to depict the problem you are facing with trying to vote. Include in your skit a description of the rights which you think that the Constitution guarantees to you.**

2. When you go to the polls you are told that you have to pay a poll tax. You know that this is just another excuse the whites have created to keep you out of government. The tax is quite a lot of money and you are only a sharecropper who constantly owes money to the land owner. You are certain that every time you take your crops in to be sold you are cheated out of money. However, you cannot prove the cheating. The end result of your hard work is that you are constantly in debt. Coming up with enough money to feed your family is a problem and voting seems to be an impossibility since food comes before principles. **Create a skit to depict the problem you are facing with trying to vote. Include in your skit a description of the rights which you think that the Constitution guarantees to you.**

3. In order to vote you have to pass a test to prove that you can read and write. However, when you were of school age you were in the cotton fields planting, tending, and picking cotton. You are intelligent and know quite a bit about politics because you listen to others talk. Since the end of the Civil War you have convinced a friend of yours to teach you to read and write. You can now read names and a few simple words. Your problem is that you want to vote in the upcoming election but everyone has to pass a literacy test before s/he can vote. You are afraid that the test will be too hard for you. You also know that the white people who give the test make sure that blacks get harder tests than whites. Voting seems to be an unattainable dream. **Create a skit to depict the problem you are facing with trying to vote. Include in your skit a description of the rights that you think that the Constitution guarantees to you.**

Handout #1, continued

4. One of the people in your group is Homer Plessy. He is an African American who refused to leave a railroad car which was reserved for whites only. Having separate facilities for blacks and whites was common in the late 1800's and early-mid 1900's. Mr. Plessy is arguing that his 14th Amendment right to "equal protection under the law" is violated when he has to sit in a different railroad car. However, in 1896 when the Supreme Court decided on this case (Plessey v. Ferguson) they said that it was legal to segregate, or separate, the races as long as the facilities for both are equal. You and your friends are afraid of how far this "separation" will go and you are concerned that the facilities will not be "equal". **Create a skit to depict the problems you and your friends are facing with segregation. Include in your skit a description of the rights which you think that the Constitution guarantees to you.**

5. The members of your group are seniors in high school. You are looking to enroll in college for the following year. However, there are only a limited number of colleges that will accept your applications because you are black. You decide to try and beat the system and prove a point by submitting your applications to the colleges which you want. You receive responses to the applications and all are denials of admission. Since you did not list your ethnic background you are interested as to why you have been denied admission to the schools. After talking with the office of admissions of various schools you find that you have been denied access to the schools because you did not take two years of a foreign language, second year chemistry, and calculus. It is obvious to them that you did not prepare to go to college and that there are many more students who are much more qualified than you wanting in. You are furious with this information. Your school never has, and most likely never will, offer these classes. In addition, when you ask to enroll in these classes at the "white" school you are denied. **Create a skit to depict the problems you and your friends are facing with segregation. Include in your skit a description of the rights that you think that the Constitution guarantees to you.**

We the People

Handout #1, continued

6. Jamie, one of the people in your group, has recently graduated from college and is looking for a job. There is a position open for a journalist in the city's biggest newspaper and Jamie decides to apply for the job since s/he was a journalism major and it would be a good starting position. The application is received and responded to positively. Since their application did not ask about race Jamie wonders how the paper will respond the possibility of having a black journalist on staff. When s/he walks in for the interview the personnel director gets a strange look on his face. Instead of being asked about experience and qualifications in news the interviewer asks if s/he has ever worked nights before. The personnel director does not even look at Jamie's portfolio of work. When he is finished asking about health, personal strength, and ability to get along with others he offers a job to Jamie as the night custodian. It is obvious that s/he was not even considered for the journalist position. When confronted on the matter the personnel director says "that is the job available, take it or leave it." Five days later a new journalist is introduced in the city paper. The article states that he was hired one day after your interview. It is obvious that this person received the job that Jamie applied for and was not given a chance to receive. **Create a skit to depict the problems you are facing with job discrimination. Include in your skit a description of the rights that you think that the Constitution guarantees to you.**

7. Your family has recently decided to move away from the inner city and experience the American dream of owning a home in the suburbs. Your family researches different areas where the community seems healthy, quiet, and peaceful. The idea of getting a new home is exciting to all of your family. You set out to look at homes with the realtor. Soon you realize that all of the homes the realtor is showing you are in low income, run down sections of the city. A point is made to tell the realtor that you are not interested in this type of community and that you have enough money to pay for a nicer home. The realtor takes you to another section of the city but it is not much better than the first. At this point you tell the realtor that you would like to go to the "Summerhaven" subdivision and look at what is available there. The realtor says "Summerhaven is not an area where you should consider living. No one wants you there and I'm certain that you do not want to move where no one wants you." It is obvious at this point that you will not be shown the types of homes you are interested in because your family is black. **Create a skit to depict the problems you are facing with discrimination. Include in your skit a description of the rights that you think that the Constitution guarantees to you.**

Handout #2

1964 Civil Rights Act Summary

Voting Rights
Denial of the right to vote based upon race, color, religion, or national origin is prohibited. A commission is established to investigate voting fraud.

Segregation
Discrimination on the basis of race, color, religion, or national origin in restaurants, hotels, motels, gas stations, auditoriums, lunch counters, etc. is prohibited. Private clubs remained exempt.

Public operated facilities, such as parks, may not be segregated.

Public Education
Public schools must plan and implement desegregation programs.

Federal Finance
Discrimination based on color, race, or national origin is not permitted with any federally financed program.

Employment
Businesses with 25 or more employees can not discriminate on the base of race, color, religion, sex, or national origin. An Equal Opportunity Commission was established to investigate discriminatory employment practices.

*Adapted from The Longest Debate: A Legislative History of the 1964 Civil Rights Act.

Handout #3

Oral Interview Suggestions

1. When conducting an interview be sure that you receive permission from the subject. Fully explain what the project is about and what the information will be used for.

2. If you do not write quickly you might want to bring along a tape recorder. It is easy to miss little details of an interview when you are trying to write everything down. If you choose to use a tape recorder, be sure your subject does not object to being recorded.

3. Prepare your questions in advance. Be thorough about your topic and think through all of the different angles from which you want to approach the topic.

4. Find a variety of subjects. The more perspectives you have about a topic, the more rounded and accurate your end product will be. Be careful not to make generalizations about the entire country based upon a regional sampling.

5. Be courteous. Remember to thank your subject for his or her help.

6. Make sure that you accurately record the information. No one likes to be misquoted.

7. Practice your interview with a friend before your actual interview.

Suggested questions:

- What is your name?
- Where were you living in the 1960's?
- How old were you when the 1964 Civil Rights Act was passed?
- Were you involved in any protests during this time? Were any of them related to the Civil Rights Act?
- Did you ever see or experience discrimination against minorities prior to 1964? If so, please explain.
- Have you seen or experienced Discrimination since 1964? If so, please explain.
- Do you remember the 1964 Civil Rights Act? Please explain what you remember.
- Why do you think it took so long for things to change to occur?

Develop further questions based upon specific details covered in the 1964 Civil Rights Act.

The Fourth Amendment and the Drug Courier Profile: United States v. Sokolow

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INTRODUCTION

May law enforcement officers stop and briefly detain someone for investigative purposes simply because he or she appears to meet certain characteristics attributed to criminal behavior? The decision was handed down by the Supreme Court in 1989 in the case of a man seized by agents of the Drug Enforcement Agency.

Students are (1) introduced to the specifics of the Fourth Amendment; exceptions to the search warrant; and such basic legal concepts as the exclusionary rule, standards of proof, and the legal actions dependent upon the difference between "reasonable suspicion" and "probable cause" (2) then asked to apply these legal principles to the Sokolow case.

GOALS

By the end of this lesson, students will:

- Know at least five exceptions to the 4th amendment requirement of a search warrant
- Know the meanings of "exclusionary rule," "standards of proof," and the difference between "reasonable suspicion" and "probable cause"
- Analyze the Fourth Amendment by examining a case in a moot court simulation

GRADE LEVEL

Middle and senior high school

TIME NEEDED

One to two class periods

MATERIALS REQUIRED

4 Overheads and 2 Student Handouts

PROCEDURE

A. Discuss with students the following scenario. What's peculiar about this story?

Two police officers pound on your front door, and when you answer it they say they're coming in to search your house. They proceed to examine the papers in your desk, the books in your bookcase, and even your computer discs.

Students probably will be quick to say that the officers need either a search warrant or your consent to search your home. Ask what keeps the police from coming into your home anytime they feel like it.

B. Show Overhead #1 (The Fourth Amendment) and discuss the historical background and the importance of the Fourth Amendment in protecting our privacy and other First Amendment rights.

C. Ask students if they think we would really have a free country without the 4th amendment or is this a criminal-coddling amendment?

D. Examine the specifics of the Fourth Amendment:

1. Ask students to brainstorm class definitions of important terms: unreasonable searches and seizures, warrants, probable cause.

2. Use resource person to discuss the requirements of the Fourth Amendment. What happens if the police violate the Fourth Amendment? Discuss the Exclusionary Rule.

Note that defense attorneys will "move to suppress evidence" if they believe evidence was illegally obtained.

3. Ask students if they know of any exceptions to the search warrant, write their answers on the board using the SEARCH acronym for organization. Compare these with Overhead #2, the Exceptions to Search Warrant Requirements.

4. While explaining "reasonable suspicion" and "probable cause," use overheads #3 (Terry v. Ohio) and #4 (Standards of Proof). The case we will be examining will hinge on this very issue.

E. Now we will see if you can apply your knowledge to a case. Distribute to students a summary of the Sokolow case and ask them to read it to themselves. Review with the class the facts of the case and the legal issue which the Supreme Court had to decide. Note that at the appeal court level, the facts are not in questions, only issues of law: Was the law interpreted and applied correctly? Chart facts and issue on board.

F. Divide the class into three groups. Assign one group of nine to act as the Supreme Court. Assign the other two groups to act as petitioner and respondent.

G. Allow each group to meet for ten minutes to brainstorm arguments in support of their side. After brainstorming, each group will develop and refine their arguments and select a spokesperson/attorney. The Supreme Court group will select a Chief Justice and prepare questions to ask each group. Resource person moves from group to group assisting.

H. Attorneys will have three minutes to argue their side. The petitioner goes first and is given a 1-minute rebuttal after the respondent's argument.

I. The judges are allowed up to two questions for each of the attorneys.

J. Allow the justices to deliberate in front of the class. The Chief Justice will call for a vote after deliberation.

K. Debrief the activity, comparing the procedures, arguments, and decisions of the moot court with the real case. Highlight the better-developed arguments. Distribute Student Handout #2 which summarizes the court's decision and the arguments for the majority and the dissenting opinion.

TIPS FOR THE TEACHER

Search - In general, a search is any forcible seeking out, prying into hidden places, exploratory investigation or quest. More specifically, the Supreme Court has defined a search as "any governmental violation of a person's reasonable and justifiable expectation of privacy."

Seizure - A seizure is defined as a sudden forcible grasp, a taking into possession, a taking into physical custody or control. Again, for legal purposes, a seizure involves governmental action.

Probable Cause - The Fourth Amendment prohibits law enforcement officers from searching or seizing people or their property unless there is probable cause - a good reason for suspecting a person of breaking a law. The criteria used to establish probable cause are difficult to define. Generally, at the moment a law enforcement officer decides to arrest a person, he or she must have reliable knowledge gained from direct contact with the suspect or from a trustworthy source that the suspect either has already committed a crime or was doing so at the time of arrest.

Requirement for Warrant - A magistrate or judge must determine that there is cause in order to issue a warrant. The warrant must specifically describe "the place to be searched and the persons or things to be seized." A judge cannot give law enforcement officers a warrant that enables them to search for anything they please, to go on a "fishing exhibition."

Exclusionary Rule - Any evidence seized illegally by law enforcement officials cannot be used to convict the accused at trial. It also applies to evidence obtained from illegal questioning of the accused.

Exceptions to Search Warrants - Not all searches, however, require a warrant. There are numerous times when law enforcement officers can't wait for a warrant. For example, police may be on the scene of a violent crime or a robbery in progress. If they did not arrest the suspect, the person might injure others or escape. Overhead #2 lists most of the exceptions to a search warrant:

Stop and frisk - A police officer who reasonably thinks a person is behaving suspiciously and is likely to be armed may stop and frisk the suspect for weapons. This exception to the warrant requirement was created to protect the safety of officers and bystanders who might be injured by a person carrying a concealed weapon.

Emergencies - These situations include searching a building after a telephoned bomb threat, entering a house after smelling smoke or hearing screams, and other emergency situations in which the police don't have time to get a warrant.

Search incident to a lawful arrest - This is the most common exception to the warrant requirement. It allows the police to search a lawfully arrested person and the area immediately around that person for hidden weapons or for evidence that might be destroyed.

Abandoned property - If property has been left someplace it could be examined by others, the owner has no reasonable expectation of privacy from governmental examination of the property.

Airline/border searches - Customs agents are authorized to search without warrants and without probable cause. They may examine the baggage, vehicle, purse, wallet, or similar belongings of people entering the country. Body searches or searches conducted away from the border are allowed only on reasonable suspicion. In view of the danger of airplane hijacking, courts have also held it reasonable for airlines to search all carry-on luggage and to search all passengers by means of a metal detector.

Right in plain view - If an object connected with a crime is in plain view and can be seen by an officer from a place where he or she has a right to be, it can be seized without a warrant. For example, if a police officer issuing a routine traffic ticket observes a gun on the seat of the car, the officer may seize the gun without a warrant.

Cars - An officer who has probable cause to believe that a vehicle contains contraband may conduct a search of the vehicle without a warrant. This does not mean that the police have a right to stop and search any vehicle on the streets. The right to stop and search must be based on probable cause.

Consent - When a person voluntarily agrees, the police may conduct a search without a warrant and without probable cause. Normally, a person may grant permission to search only his or her own belongings or property. In some situations, however, one person may legally allow the police to conduct a search of another person's property (e.g., parent-child).

Hot pursuit - Police in hot pursuit of a suspect are not required to get a search warrant before entering a building that they have seen the suspect enter. It is also lawful to seize evidence found during a search conducted while in hot pursuit of a suspected felon.

Reasonable Suspicion and Probable Cause - In 1968, the Supreme Court in *Terry v. Ohio, 392* U.S. 1, ruled that police can stop and only briefly detain a person if they have a reasonable suspicion supported by articulable facts that criminal activity may be afoot. Under this standard -- which is much less difficult to meet than probable cause, they must have more than a hunch -- they must have some specific facts to justify their suspicion. But those who meet the reasonable suspicion standard can be only briefly detained, while those who have met the probable cause standard can be searched and any evidence found can be seized. However, during a brief detention, some sufficient information may be uncovered which can be used to justify a search warrant and a full-scale search.

Unfortunately, neither the reasonable suspicion standard nor the probable cause standard conform to a neat set of legal rules, so an agent cannot look at a checklist and say that if people met certain criteria they could be stopped for reasonable suspicion, but if they met a different set of criteria they could be searched based on probable cause. Instead, this is a constantly evolving area of the law.

Exclusionary Rule - What happens if the police ignore the requirements of the Fourth Amendment? In order to keep the police from violating the law, the courts developed in a 1914 case the exclusionary rule. This rule excludes evidence obtained by law enforcement officers while violating rights protected by the Constitution. The rule is most often used to exclude evidence gained from illegal searches and seizures, calling illegally obtained evidence "fruit from a poisoned tree." It is also used to exclude evidence obtained in violation of the Fifth Amendment right against self-incrimination and the Sixth Amendment right to counsel.

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Facts in the Sokolow case (Student Handout #1) were adapted from a handout by the National Institute for Citizen Education in the Law, Washington, D.C.

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FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(Overhead #1)

EXCEPTIONS TO SEARCH WARRANT REQUIREMENTS: SEARCH (*)

S - Stop and Frisk

E - Emergencies

A - Arrests, abandoned property, airline/border search

R - Right in plain view

C - Cars, consent

H - Hot pursuit

(*) **Recent rulings by the U.S. Supreme Court have expanded the number of allowable exceptions to search warrants**

(Overhead #2)

STANDARDS OF PROOF USED TO PROVE A FACT IN A COURT OF LAW**

LEAST SUFFICIENT **MOST SUFFICIENTPROOFPROOF**

Guess or aHunch Reasonable of	Reasonable Suspicion	Probable Cause civil trials)	Preponderance of Evidence (Burden of proof in criminal trials)	Beyond Doubt (Burden proof in

* * * * * * *

The Cookies Are Missing

Your 4-yr. old brother Billy is in kitchen	Billy is sitting at the table with a glass of milk and a happy face	No one else has been seen in the kitchen	Billy with a partially full glass of milk, cookie crumbs near his glass	Same, but you can see cookie in his mouth.

* * * * * * *

Supreme Court (1925):
Probable Cause exists when there are enough facts to persuade a reasonably prudent person to believe that a crime is being or has been committed.

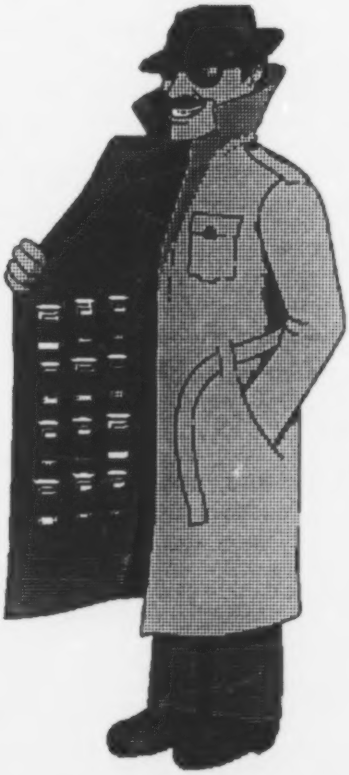
(Overhead #3)

Terry v. Ohio (1968)

Police can stop and briefly detain a person if they have "a reasonable suspicion supported by articulable facts that criminal activity may be afoot."

Only those who have met the "probable cause" standard may be searched.

(Overhead #4)



Handout #1

United States v. Sokolow, 490 US 1,104 L Ed 2d 1,109 S Ct 1 (1988)

FACTS
Andrew Sokolow went to the United Airlines ticket counter at Honolulu Airport, where he purchased two round-trip tickets for a flight to Miami. The tickets were purchased in the names of "Andrew Kray" and "Janet Norian," and had open return dates. Andrew Sokolow paid $2100 for the tickets from a large roll of $20 bills, which appeared to contain a total of $4000. He also gave the ticket agent his home telephone number. The ticket agent noticed that Mr. Sokolow seemed nervous; he was about 25 years old, wore a black jumpsuit and wore gold jewelry. He was accompanied by a woman, who turned out to be Janet Norian. Neither checked any of their four pieces of luggage.

The ticket agent informed an officer of the Honolulu Police Department of Sokolow's cash purchase of tickets to Miami. The officer determined that the telephone number Sokolow gave to the ticket agent was subscribed to "Karl Herman" -- (unbeknownst to the officer, Sokolow was Herman's roommate.) The ticket agent identified Sokolow's voice on the answering machine at Herman's number. The officer subsequently learned that return reservations from Miami to Honolulu had been made with their arrival scheduled for July 25 (they stayed in Miami only 48 hours, even though a round trip flight from Honolulu to Miami takes 20 hours).

Respondent and Norian arrived in Honolulu. As before, they had not checked their luggage and respondent was still wearing the black jumpsuit and gold jewelry. The couple proceeded directly to the street and tried to hail a cab. Four DEA agents approached them, one officer displayed his credentials, grabbed respondent by the arm and moved him back to the sidewalk. In the original trial, one of the agents testified that the traveler's behavior "had all the classic aspects of a drug courier." A "drug courier profile" standard has been used by agents since 1974 to identify drug smugglers based on certain attire and behavioral patterns.

Respondent told the agents that his name was "Sokolow," but that he was traveling under his mother's maiden name, "Kray."

Respondent and Norian were escorted to the DEA office at the airport. There the couple's luggage was examined by a narcotic detector dog which alerted to respondent's brown shoulder bag. The agents arrested respondent and advised him of his Constitutional rights. The agents obtained a warrant to search the shoulder bag and found no drugs, but the bag did contain documents indicating involvement in drug trafficking. The dog reexamined the remaining bags and alerted to a medium size bag. The next day the agents obtained a warrant and found 1063 grams of cocaine inside the bag.

The US District Court for Hawaii denied his notion to suppress the cocaine and other evidence finding that DEA agents had a reasonable suspicion he was involved in drug trafficking when they stopped him at the airport.

The US Court of Appeals for the Ninth Circuit reversed, holding that the DEA agents did not have a reasonable suspicion to justify the stop. They reasoned that for purposes of the Fourth Amendment, reasonable suspicion must be founded upon evidence of "ongoing criminal behavior," even though probabilistic evidence (attempts to identify the type of person who may be engaged in criminal activity) may serve to confirm or deny such behavior evidence. Probabilistic evidence alone without any other evidence is insufficient to create a reasonable suspicion.

ISSUE
Whether the agents had reasonable suspicion that respondent was engaged in wrongdoing when they encountered him on the sidewalk.

Student Handout #2

THE SUPREME COURT'S VERDICT IN THE SOKOLOW CASE

THE MAJORITY OF THE COURT

On April 3,1989, by a vote of seven to two, the Court ruled that law enforcement officers may stop and briefly detain someone for investigative purposes simply because he or she appears to meet certain characteristics attributed to criminal behavior.

Chief Justice Rehnquist spoke for the majority. He noted that each of the acts Sokolow performed, taken by themselves, might have been totally innocent. However, when taken together, they warranted further investigation.

There was nothing illegal about Sokolow paying for his plane tickets with $2,100 in cash, traveling to Miami - a city known for its drug activity -- traveling a total of 20 hours to stay two days in Miami in July, appearing nervous, and not checking any luggage, Rehnquist said. But the totality of these events did raise suspicion.

The majority stated that the fact that agents may have relied on criteria listed in the drug courier profile was irrelevant, since the factors they noted in Sokolow's behavior had evidentiary value whether or not they were found in the courier profile. The Court said the appropriate standard required police to look at the totality of the circumstances in deciding whether or not a stop can lawfully be conducted.

THE DISSENT (Justices Marshall and Brennan)

Because the strongest advocates of Fourth Amendment rights are frequently criminals, it is easy to forget that our interpretations of such rights apply to the innocent and the guilty alike.

The concept of reasonable suspicion is to be used only for brief detentions aimed at stopping ongoing crimes or preventing crimes that are imminent. It is highly significant that DEA agents stopped the traveler because he matched one of the DEA's "profiles."

The majority's hasty conclusion...serves only to indicate its willingness, when drug crimes or antidrug policies are at issue, to give short shrift to constitutional rights.

There simply was no evidence that Sokolow was in the process of committing a crime or was about to engage in criminal activity. He was stopped primarily because he appeared nervous, which in this era of proliferating plane crashes and near-collisions could be a totally normal state of behavior.

"Pick the Process: Examining Regionally Relevant Issues Through Negotiated Settlement, Mediation, Arbitration, and Litigation."

Mary Schuler
Kraxberger Middle School
Gladstone, Oregon

ABSTRACT/INTRODUCTION

This outcome base lesson is designed to study an issue through four legal models: negotiated settlement, mediation, arbitration, and litigation. This framework may be adapted for study of various controversial issues that are regionally relevant; the Northwest timber controversy is outlined in this lesson.

GOALS/OBJECTIVES

As a result of this lesson, students will be able to compare and evaluate the adversarial aspects of litigation with the conciliatory aspects of the alternative dispute resolution methods of settlement, mediation, and arbitration.

SUBJECT/GRADE/LEVEL/AUDIENCE

Subjects in which this lesson may be taught include: social studies, English, speech, debate, civics, law, and history. The appropriate grade level is middle school through high school.

TIME REQUIRED

Implementation requires fifteen 50-minute class periods. NOTE: This entire lesson is designed to be reduced to individual mini lessons which would incorporate a singular conflict resolution method such as mediation.

MATERIALS NEEDED

Classroom for questioning.

PROCEDURE

Days one and two:

Develop background of regional issue through current event discussion format. Ask students for regional issues which concern them. Have students list issues around the room. Encourage students to discern if there is a clear pro and con position to the issue or if the issue incorporates many diverse positions. Have students write pro and con under each issue and a word or picture that identifies that position. Incorporate a continuum within the classroom in which students walk to and take a stand for a position at one point of the classroom and similarly for the opposite position far from the first position. Encourage students to take median positions between the two extremes. Encourage students to state the most persuasive argument from the position they have taken and one from the opposite position.

Day three:

Choose one issue to develop and use as the focal point of lesson. Skeletal background of Northwest timber issue (as an example):

There is extreme paralysis within the Northwest states regarding the harvesting of timber. The keynote of the entanglement is the need to satisfy an economic framework developed over many generations based on logging timber and the need to satisfy the ecosystem balance of the natural resources. The deadlock of the parties is a result of divergent policies elicited from integral governmental bodies including the Forest Service, Bureau of Land Management, and park system plus lack of comprehensive long term administrative policy. Parties include: labor factions, environmentalists, timber industry, timber families, Native Americans, advocates for salmon, spotted owl and ancient forests. A friction develops between the timber industry and parties protective of ecosystems. It is this natural friction that makes this lesson parallel to regional issues throughout the U.S.

Days four and five:

Use small groups to further develop background.

Divide students in four groups that singularly develop a timeline incorporating news items, personal notes, and photos. Each of the four groups will subsequently develop one of the four models.

Relevant facts and timeline of the spotted owl issue indicates the progression of the parties toward adversarial positions:

- From late 1800's to the present there is on going need for timber supply. There is an interlocking of various economic groups of the region to the harvesting of timber. Thousands of workers throughout the Northwest rely on timber harvesting for their income.
- In 1973, Oregon listed the spotted owl as a threatened species and the Federal Government followed in 1990. There is a recognition of the interrelatedness of humans and declining species. Thousands of individuals align themselves with various protectionist positions.
- Court injunctions are put in place when Environmental Impact Statements which require addressing threats to habitat are not prepared for logging sales. Judicial log jams are now part of the scenario.
- In 1992, Judge Dwyer of Washington State issued permanent injunction on Forest Service sales in owl habitat until a scientifically-based plan is established.
- President Clinton addressed the issues by calling for a meeting of involved parties in a round table format in Portland, Oregon in April, 1993. He keynoted the conference by calling for common ground, specific guiding principles, and the stated persuasion to continue beyond deadlock in subsequent discussions. Judge Dwyer's requirement of scientifically-based plan may become a reality.

Days six and seven:
Initiate study of four legal models as relevant to students. Identify the individual groups by large cards separately labeled: negotiated settlement, mediation, arbitration, and litigation. Compare student relevant issues and resolution of those issues to each process. Discuss all models/process with the entire class. Encourage students to roleplay examples of each process as the process is developed through discussion. Avoid teaching of specific steps and skills of each process until students have experienced the role playing of each model relevant to their lives. Tell the students that they already know a great deal about most of these processes, just not by name.

Negotiated settlement
Student-relevant examples.
Negotiated settlements occur each day between our peers, parents, employers, and in business resolutions. Encourage students to offer scenarios of settlement that have occurred in their lives. Examples will include conflicts with parents, teachers, and friends and the resolution or lack of resolution over those issues. Include examples of Congressional settlement. Work towards the concept that life constantly requires this process. Teach that the process requires skills not often taught as actually having steps. Separate the formal learning of these steps compared to the less structured negotiations that the students already use. Ask if in using this process parties may achieve a common ground of resolution of the issue. Work toward the concept that parties using this model may achieve a result where both parties win or achieve some of that which they wanted. Ask for examples. Begin to role play.

Mediation
Student-relevant examples.
Mediation employs a third party who aids in the resolution of the conflict. Mediation is used in many adult conflict settings such as divorce settlements, especially when children are involved. It incorporates the skills of active listening, respect for need of resolution, and acknowledgement of an ongoing relationship between the parties. Stress the acknowledgment that conflict is inherently a part of the human internally, between individuals, groups, and nations. Stress the naturalness of conflict. Include in the discussion the three levels of conflict found within literature and video; that is person vs. person, person vs. another, and person vs. nature. Teach that in the mediation model a third person asks or is asked to be a sounding board for the other two individuals who have the conflict. Teach that in this model the third party may or may not come up with a solution that parties will adopt. Ask if in using this model/process parties may achieve or work toward common ground. Work toward the concept that both parties using this model may achieve or win some of their goals. Ask for examples and role play.

Formal steps of Mediation
The alternative dispute resolution method of mediation involves a third party helping to resolve conflict through trust. It is a inexpensive, voluntary, and confidential alternative to trial. It is likely for a meditator to achieve unexplored results. It is very rewarding for the mediator.

Steps of mediation as developed by Oregon Law Related Education:

- After introductions the neutral mediator asks if parties would like to solve the problem.
- Parties agree to ground rules: to solve the problem, not interrupt, no name calling and to tell the truth.
- Mediator asks person #1, "What happened? How do you feel?"
- Mediator repeats using active listening.
- Mediator asks person #2 the same and repeats answer.
- Mediator asks person #1 ,"Do you have a solution?"
- Mediator asks person #2, "Do you agree to that solution or do you have another solution?"
- Mediator helps parties get to solution that they both think has value.
- Parties tell each other what they agree to.
- Congratulations all around.

Formal steps of Arbitration
The dispute resolution method of arbitration is quasi-judicial process in which a lawsuit is resolved tentatively or finally by having arbitrator resolve the issue. It is generally cheaper, faster and allows parties more flexibility than a trial. It was historically developed from labor disputes. Arbitration may be required by contract or by statute. Arbitrators may be picked from established lists and are obliged to same judicial rules as judges.

Steps and benefits of formal arbitration:

- Parties pick impartial arbitrator; the parties themselves choose the judge.
- The process itself is efficient and informal: no pre-trial procedures and no involved pleading or discovery. It is more comparable to a hearing.
- This process is private compared to a trial. The parties' natural feelings of confrontation may be reduced is this setting.
- The value of a positive on-going relationship of the parties is enhanced with possibility of continued negotiation between the parties. Some arbitration is binding but most may be appealed.
- Parties state positions and relevant information. Hearsay rules may apply.

Formal steps of litigation
Litigation is expensive economically and emotionally. It is unpredictable except that it results in winners and losers. It is very dramatic and impressive. It is integral to our judicial fabric because judicial decisions become case-made law.

- Jury selection known as voir dire and pre-trial motions.
- Opening statements by plaintiff/ prosecution in which summary of key facts, circumstances and parties are presented.
- Opening statement by defense.
- Direct examination of witness by plaintiff/prosecution. No leading questions allowed. This is referred to as the case in chief.
- Cross examination of plaintiff's witness by defense.
- Mid-trial motions of directed verdict in civil case by defense and in criminal matters, motion for acquittal.
- Direct examination of witness by defense.
- Cross examination of defense witness by plaintiff/prosecution.
- Post-trial motions
- Closing argument by plaintiff/prosecution.
- Closing argument by defense.
- Rebuttal by plaintiff
- Jury instructions on specifics including law to be followed.
- Jury verdict or decision of judge in bench trial.

Days eleven and twelve:
Individual group time to develop presentations.

Days thirteen and fourteen:
Class presentation time by groups.

Day fifteen:
Allow time for debriefing and evaluation.

Arbitration

Arbitration is generally employed in unique dispute settings. It may be appropriately taught as the logical escalation of mediation. It may be used in labor dispute format, corporate issue resolution, and for many international issues. It may be employed where no common court is appropriate. It may be binding arbitration in which the decision of the arbitrator carries the weight of law. In arbitration the parties go through a process to pick the arbitrator. Teach that arbitration is becoming the process used to resolve consumer purchase disputes between buyer and seller. Ask if using this model may help parties to achieve a common ground. Work towards the idea that both parties using this model may achieve some of their goals. Teach that this model/process is more akin to the judicial trial where generally one party wins. Ask for examples and role play.

Litigation

Litigation is employed when a court of law is chosen to resolve a dispute. It is certainly the most formal process to be studied. It employs procedures including how and when parties may present their side of the issue. It is the most pervasive formal structure of our judicial system. It may be discerned as adversarial in nature. Stress that the use of litigation often breaks down the interest to find a common ground, breaks down the ability to give and take on a issue and generally separates parties from having a positive future relationship. Ask why that is the case. Work towards the fact that court proceedings generally result in winners and losers. Ask for examples of trial. Students are knowledgeable of trial procedure prior to any formal teaching as a product of television and movies. Ask for examples and encourage roleplay.

Day eight:
Use following as point of review and evaluation Direct students to write as titled sections: negotiated settlement, mediation, arbitration, and litigation equally separated on the back and front on a piece of paper. Direct students to write in information in the form of phrases, words, sentences, or pictures in those sections that they remember from the past few days. Encourage students to visualize and then draw the examples that were acted out. Direct students to state their information to someone near them. Direct students to incorporate in their lists some information that another just taught them. Encourage students to compare and exchange. Celebrate how much the students have already learned by encouraging more role playing. Act out your own examples with peers from the staff.

Days nine and ten:
Develop formal steps of each process. Direct students to write the titles of the four models on four papers in order to record ideas, drawings, and notes on the following information.

Formal steps of Negotiated Settlement.
Resolving conflicts through the alternative dispute resolution method of negotiated settlement successfully results in both parties attaining some of that which is important to them. As developed from Harvard Negotiation Project and also through Temple-LEAP, the steps include:

The parties begin by individually clarifying the problem with pre-negotiation:

- State the parts of your position in order of importance.
- State the parts of the other party's position as closely as you understand it in order of importance.
- State your best alternative and worst alternative.
- State the information that you want to protect and the information that you want to divulge. The parties then work through the steps of negotiation with face to face negotiation.

Parties follow these priorities:

- Focus on interests of the parties not positions.
- Invent options that benefit both sides.
- Rely on objective criteria and evaluate risks.
- Achieve the best alternative to a negotiated agreement (= BATNA). Focus on result in which both parties win. Find position that helps people.

EVALUATION

Use concept mapping format for evaluation.

Create and include:
Direct students to create multi-box grid with four models listed across top of paper and other areas identified on side the such as:

- Do both parties win in this model?
- May this model be used in criminal as well as civil issues?
- Does this model allow parties to vent feelings?
- Does this model require an attorney?
- What alternative outcomes are available with this model?
- Compare two models using personal life issues.
- Compare two models using international issues.

DEBRIEFING/SUMMARY/CLOSURE

Encourage students to evaluate their own learning. Ask each group to state most persuasive reason why their process is most effective and least effective in which settings. Ask students to organize, summarize, and analyze information on large sheets displayed around room with titled headings of four processes. Sheets would include pictures, words, phrases, sentences.

Connecting arrows, question marks and other symbols would be included by students if encouraged. Conclude with more continuums. role playing, and life examples of various models to help students integrate and retain this valuable lesson. Encourage students to imagine positive outgrowths of this lesson within themselves, peers and parents. Encourage students to imagine positive outgrowths of this lesson within their region, nation and world.

TIPS FOR THE TEACHER

To further develop the teaching of negotiated settlement refer to negotiation style and most often used tactics and common mistakes as developed by D. Vanderhoof, Temple-LEAP. Refer to "Putting on Mock Trials" edited by Richard L. Roe for well developed teaching ideas for mock trial and to Betsy Coddington, Classroom Law Project, Portland, Oregon, for further work on mediation. (See bibliography)

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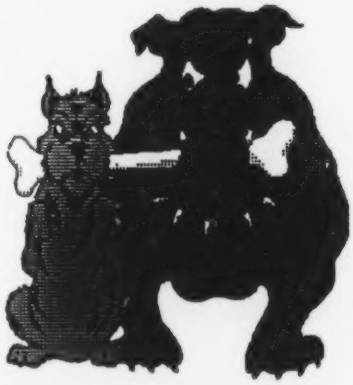

Jurassic Park:
A Mock Trial 65 Million Years in the Making

David Goldsmith
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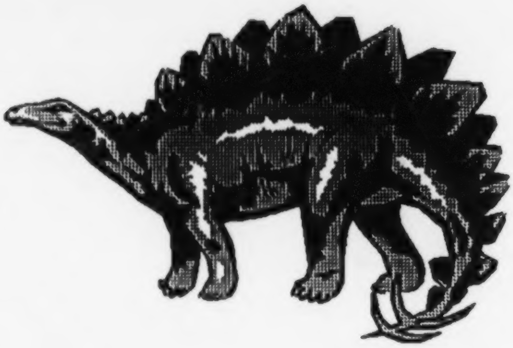
ABSTRACT

This mock trial case is based on the novel by Michael Crichton. Businessman John Hammond's goal is to create the ultimate theme park for fun and profit, featuring live dinosaur attractions. But on the first tour, the security system fails and Ed Regis is killed by a Tyrannosaurus Rex. John Hammond is charged with negligent homicide for creating the dinosaurs and the conditions which led to the death of Ed Regis. Full witness statements are provided, so copies of the book are not necessary.



GOALS/OBJECTIVES:

1. Students will understand how our justice system works in a criminal case.
2. Students will demonstrate critical thinking skills by preparing opening or closing statements or witness examination questions and answers to support their side's position in the case.
3. Students will work cooperatively with classmates to formulate and present a unified theory of the case.
4. Students will be able to discuss the ethical implications of biotechnology on our society.

SUBJECT/GRADE LEVEL

This lesson is designed for grades 9-12 and is suitable for classes in Law, Ethics, Future Studies, English, and Biology.

TIME REQUIRED

Approximately 8-10, fifty-minute class periods.

MATERIALS NEEDED

1. Copies of the Description of the Case, Stipulated Facts, New Hampshire Statutes (your own state statutes may be substituted), and all witness statements for each student.
2. Copies of the novel *Jurassic Park* by Michael Crichton (optional).
3. Copies of the Suggested Page References handout for each student, if copies of the novel are available.

PROCEDURE:

1. The teacher should decide on the dates the actual trial will be held. It is recommended that a weekend be planned to fall during the preparation phase of the project rather than in the middle of the trial to promote continuity and allow students maximum preparation time.
2. The teacher must also decide how to provide a jury for the trial. Selecting students from a study hall or from another class with an interest in the subject matter are the preferred methods. If you wish to chose jurors from the class doing the trial, assign them meaningful outside work during the preparation stage of the trial. Also, requiring the jurors to submit an essay justifying their decision after the case is concluded may help to keep the jurors as focused and serious as the other trial participants.

Day 1

1. The teacher should introduce the lesson with a general discussion of recent developments in biotechnology. The cloning of human embryos, gene therapies, and the release of bioengineered organisms into the environment are all good starting points. David K. Smith's lesson (see bibliography) which is available through the National Repository can be very helpful background here.
2. After initial discussion of what is being done now, the teacher should lead the students in a discussion of what they expect might be possible in these areas during their lifetime, and what potential problems they could foresee resulting from this technology.
3. The teacher should explain that the class will be exploring some of these ethical issues through a mock trial based on the novel Jurassic Park. Students should be cautioned that though the basic premise is similar to that of the movie, there are significant differences of which they must be aware. Also, students should be informed which characters from the novel have been brought back to life for mock trial purposes.
4. The teacher should then hand out the case and go over the "Stipulated Facts" with the students. After clarifying any confusion, the teacher should then assign the parts of witnesses and lawyers to each student. Depending on the size of the class, up to 10 lawyers may be assigned to each side of the case. The teacher may also want to assign specific responsibilities to each lawyer to avoid confusion.(i.e., cross examination of John Hammond, Defense opening statement, etc.) In some classes, it may be suitable to assign a student to be the judge, though it is recommended that a volunteer lawyer or law student be contacted for this purpose.
5. The teacher should also review for students or explain the steps and order of a criminal trial. The Street Law Mock Trial Manual is very helpful in this respect.
6. Each student should read the case materials in their entirety for homework.

Days 2-4

These days are to be used primarily for student independent and group preparation, though approximately 15 minutes of time at the beginning of each period may be used for general instruction on specific trial topics. If a lawyer has been invited to the class as an outside resource person, all of the instructional topics may be addressed on the day the lawyer is present.

Day 2

1. The teacher should stress to the class the importance of each team's having a unified "theory" of the case. This theory should stem from the elements of the charge and should include what specifically the team intends to prove/disprove and what each witness must contribute to make this effort successful.
2. Remainder of the class period should be used by the sides of the case to formulate their case theory. The teacher may wish to assist in this effort and should check each side's theory before the end of the period or at the start of the next class.

Day 3

1. The teacher should explain to students the basic processes of direct and cross examination. It is important to stress that the questions must be highly specific (i.e., "What happened when your car stopped during the tour?", "What happened after Mr. Regis left the car?", not "What happened on the tour?") Lawyers on direct examination should be instructed to be sure that the witness is the person telling the story, not the lawyer.
2. In explaining/modelling cross examination techniques, the teacher should stress the importance of using leading questions and not allowing the witness another opportunity to simply restate his/her story. (i.e., "Mr. Hammond, isn't it true that you completely disregarded Henry Wu's advice to develop a more docile version of the dinosaurs?")

3. The remainder of the class should be used for students to develop their witness examination questions. Questions should be completed for homework.
4. During the work time, the teacher should also meet with the students working on opening and closing statements and discuss the basic purposes of these portions of the trial. Again, the Street Law Mock Trial Manual is very helpful here.

Day 4

1. The teacher should instruct the class and briefly give examples of objections which will be allowed for mock trial purposes. Relevance, hearsay, badgering, narration, leading, opinions, and a lack of firsthand knowledge are probably sufficient for most purposes. Again, the Street Law Mock Trial Manual is a recommended resource.
2. The remainder of the class time should be used for individual and group trial preparation, with the teacher available to assist anyone needing help on any aspect of the trial preparation. Students should be strongly encouraged to actually practice their parts out loud. The teacher may wish to help some witnesses to prepare by cross examining the witness.

Days 5-7

1. Conduct the trial. The teacher may wish to limit the time for each witness to no more than 7 minutes per side and opening and closing statements to no more than 5 minutes each. Also, placing a limit on redirect and recross and on recalling witnesses may be necessary to keep to a manageable schedule.
2. Providing some of the trappings of a court setting (i.e., gavel, judge's robe, courtroom furniture arrangement, etc. are recommended to heighten student interest and involvement.

Day 8

Debrief the trial exercise (see suggested topics/questions for debriefing section.)

EVALUATION:

Students may be effectively evaluated through any of the following means during this mock trial project:

1. Evaluation of the student's written questions or statements.
2. Assessment of the student's actual performance during the trial.
3. Analysis of the student's effectiveness at cooperation and communication skills during both the preparation and trial stages of the project.
4. Grading the essays of student jurors.

DEBRIEFING/CLOSURE:

The following questions might serve as an effective basis for debriefing after this mock trial is completed:

1. What witnesses/lawyers were most effective during the trial? What made them effective?
2. Is there anything which you would do differently if you were to try this case over again?
3. How did you feel about the job the jury did in deciding this case? Why?
4. Do you feel that our legal system provided John Hammond with a fair trial? Why or why not?
5. Do you feel that the type of biotechnology used in Jurassic Park is feasible during our lifetimes?
6. What if any limitations should our government place on genetic engineering, biotechnology research, release of genetically-altered organisms into the environment, etc?
7. If you had the capacity to determine the gender, intelligence, eye color, and general state of health of your future offspring , would you specify any or all of these traits? Why or why not?
8. What are the implications for society of the choices you and your classmates made in response to question #7.
9. Is there any danger of our biotechnology leading to attempts to create a "master race?"
10. John Hammond feels that medical research could never be profitable enough to support large-scale biotechnology research, and that only entertainment could generate enough money to support such an undertaking. Do you feel this observation is true? If so, what does this say about the values of our society?

TIPS FOR THE TEACHER:

1. Insuring that the students understand the mental states specified in the statutes is very important. Stress that negligence is the minimal required mental state for conduct to be considered criminal, but that reckless, knowing, or purposeful conduct is also more than sufficient to prove negligent homicide.
2. For the prosecution, stress the importance of keeping the focus squarely directed on John Hammond. Students sometimes forget that only his conduct is at issue here. What he actually did, or failed to do which a reasonable person should have done is of vital importance in this case.
3. Relevance will be a very key objection in this trial. Much of what makes the story interesting as a novel or movie is not relevant to this criminal case. Remember, if something is not directly connected to the death of Ed Regis, its relevance is questionable. Most of what occurs after his death is likely to be irrelevant.
4. Characters may always elaborate on and embellish their written witness statements to add detail or strengthen their case. This possibility is probably most significant with the character of the Costa Rican Attorney General. Since schools will generally not have access to Costa Rican law, the teacher may have to exercise some discretion as to what embellished testimony is permissible. I allow the trial to proceed on the premise that any biotechnology process which would not be legal in the U.S. would not be legal in Costa Rica. This allows the Costa Rican Attorney General to be a very strong witness--with adequate research.

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Handout A
Description of the Case

Defendant: John Hammond
Charge: Negligent homicide for the death of Ed Regis

Witnesses for the Prosecution:	Witnesses for the Defense:
Dr. Alan Grant	John Hammond
Costa Rican attorney general	Dr. Henry Wu
Ian Malcolm	John Arnold
Robert Muldoon	Dr. William Harding

Note: Each side may call four witnesses. The witnesses listed above are merely recommended witnesses. Either side may substitute one or more witnesses from the following list:

Tim Murphy
Alexis Murphy
Dr. Ellie Sattler
Donald Gennaro

If the trial is to be done in or in conjunction with a science class, prominent geneticists or ethicists may be called as well.

Procedural notes:
1) A few obvious liberties have been taken with the story line of Jurassic Park to make this case a plausible Mock Trial. First of all, all major characters who died in the story, with the exception of Ed Regis and Dennis Nedry have been brought back to life to enable them to serve as witnesses or the defendant. All witnesses, however, can only possess the knowledge they had at the time of their deaths in the story.

2) Discrepancies most certainly exist between the movie version of Jurassic Park and the novel. For purposes of this case, all discrepancies will be resolved in favor of the facts as portrayed in the novel. This solution allows for deeper analysis and also easier fact checking for the teacher or judge.

3) Witnesses may be cross-examined using any statements they have made, as well as any thoughts conclusively attributed to them by Michael Crichton.

4) The statute utilized for negligent homicide in this case will be the New Hampshire statute. Teachers utilizing this case in other locales may wish to substitute their own state statute.

Handout B

New Hampshire Statutes (excerpted and simplified)

RSA 630:3 Negligent Homicide

A person is guilty of a class B felony when he causes the death of another person:

a) Negligently; or
b) In consequence of being under the influence of a controlled substance while operating a motor vehicle

RSA 626:2 General Requirements of Culpability

The following are culpable mental states as they apply to crimes:

a) "Purposely." A person acts purposely when his conscious object is to cause an element of the crime.
b) "Knowingly." A person acts knowingly when he is aware that his conduct is an element of the crime
c) "Recklessly." A person acts recklessly when he is aware of and consciously disregards a substantial and unjustifiable risk of an element of the crime arising from his conduct. The risk must be of such a degree that its disregard constitutes a gross deviation from the conduct that a law-abiding person would observe in the situation.
d) "Negligently." A person acts negligently when he fails to become aware of a substantial and unjustifiable risk that an element of the crime will result from his conduct. The risk must be such a nature and degree that his failure to become aware of it constitutes a gross deviation from the conduct that a reasonable person would observe in the situation.

When the law provides that negligence is sufficient to establish an element of an offense, such element is also established if the person acts purposely, knowingly, or recklessly.

Knowledge as to whether conduct constitutes an offense is not a required element of any offense, unless the law so provides.

Handout C
Stipulated Facts

John Hammond had a vision: to create the ultimate theme park with live dinosaurs for people to see and enjoy. But for this park to be commercially successful, he felt everything had to be accomplished in secret until the park was ready to open. With this in mind he purchased an island off the coast of Costa Rica and hired a team to begin work on cloning dinosaurs from preserved, prehistoric DNA.

Dr. Henry Wu accomplished the task of creating the dinosaurs. John Arnold was hired to oversee the engineering and running of the park. Robert Muldoon was hired to handle the maintenance and safety of the dinosaurs. Dr. William Harding was hired as veterinarian. Ed Regis was in charge of publicity. Dennis Nedry created the computer system which maintained all park systems. A year before the projected opening, 238 dinosaurs had been created and released into the park, including two Tyrannosaurus Rex.

But then Hammond started to run into trouble. Several workmen had been killed on the island, though this was kept secret from the public. The U.S. government had begun to investigate Hammond, and his investors were starting to get nervous that perhaps his park wasn't safe. There was even evidence that some dinosaurs had escaped to the mainland. To try to calm fears, Hammond organized a weekend tour of the park by independent experts to evaluate its safety. Dinosaur expert Alan Grant, mathematician Ian Malcolm, botanist Ellie Sattler, and attorney Donald Gennaro were joined on the tour by Hammond's own grandchildren, Tim and Alexis Murphy.

But on the tour, things started to unravel. Unknown to anyone, Dennis Nedry had decided to steal and sell dinosaur embryos to try to make several million dollars. Using his access to the computer system, he had shut off all electricity and communications equipment in the park. The electric cars on the tour stopped, the electric fences containing the dinosaurs failed and the Tyrannosaurus attacked the group. Ed Regis, who had previously witnessed dinosaur attacks on the island ran from the car. He was ultimately attacked by a Tyrannosaurus and dismembered and killed. Other members of the group and the cars were attacked as well, including Ian Malcolm who barely survived. A poisonous dilophosaur killed Dennis Nedry as he attempted to transport the embryos.

Eventually members of the group made their way back to the park control room, survived many other dinosaur attacks by velociraptors and contacted the Costa Rican authorities. The Costa Rican military rescued the survivors and then bombed the island in an attempt to destroy the dinosaurs.

John Hammond was then arrested and charged with negligent homicide for the death of Ed Regis.

Handout D
Suggested Page References

The following lists of page numbers are merely suggestions for students. Reading the entire book would of course be most desirable. But for checking back, or in the interest of saving time, a brief list of some of the most important page references for trial purposes has been provided. All references listed here refer to the Ballantine books paperback edition.

Background for all: Death of Ed Regis
pp. 183-185, 215-217

Witness: Dr. Alan Grant
Important pages/sections:
pp. 31-33, 47-48, 115-118, 147-149, 159-160, 168, 282, 372, 375

Witness: Dr. Ian Malcolm
Important pages/sections:
pp. 71-76, 90-91, 132-133, 147-149, 158-166, 226-227, 242-243, 245-246, 283-285, 305-307, 312-313, 350-351

Witness: Robert Muldoon
Important pages/sections:
pp. 139, 145-147, 176-177, 221-227, 250, 271, 288

Witness: John Hammond
Important pages/sections:
pp. 59-62, 120-137, 139, 147-149, 158-166, 198-203, 250, 305, 381, 391

Witness: Dr. Henry Wu
Important pages/sections:
pp. 108-109, 113, 120-125, 149-150, 198-203, 209-210, 334

Witness: Dr. William Harding
Important pages/sections:
pp. 242-243, 246-247
Note: Because of sketchy details in the book, this character will need to embellish the stated facts in a consistent manner.

Witness: Costa Rican Attorney General
Important pages/sections:
pp. 369, 395-399
Note: Because of the composite nature of this character, it is important that this witness be familiar with the entire book. To aid with review, it is suggested that this character be familiar with the page citations for all other characters.

Witness: John Arnold
Important pages/sections:
pp. 126-133, 138-140, 239-241, 245-248, 288

WITNESS STATEMENT FOR MARIA RAMIREZ, COSTA RICAN ATTORNEY GENERAL

My name is Maria Ramirez. I have been Attorney General for the country of Costa Rica for three years. Because of the tremendous importance of this case, I personally investigated everything once our government became involved.

John Hammond set out to consciously circumvent our government and the government of the United States. He never told us of his plans to create and release genetically engineered animals into the environment. These dinosaurs which he created were wild, vicious, and dangerous. Because they are prehistoric animals, neither Hammond nor anyone else had any idea how to control them. We have also discovered that at least one species of dinosaur, the Procompsognathus escaped Isla Nublar and migrated to our mainland. Costa Rica will be trying to correct this problem for years.

Hammond seemed only to be concerned with profit. He didn't even hire a doctor to treat people on the island, even after one workman was killed by one of these dinosaurs. The death was covered up so we didn't find out about it until recently. Hammond kept his staff so small that only one person, Dennis Nedry seemed to fully understand the computer system. Creating a system that complex with an insufficient number of people trained to handle it was grossly irresponsible.

It was also very difficult to gain access to Isla Nublar. Flights and ships were very restricted because of the climatic conditions. As a result, there was almost no way to deal with an emergency.

I know I have been criticized in the Costa Rican press for not knowing about Hammond's activities before tragedy struck. I acknowledge that as the highest law enforcement official in the country, that ultimately, was my responsibility. It also would have helped our investigation to be able to have visited Jurassic Park before it needed to be obliterated by bombing. But Hammond's secrecy made all this impossible. He must be made to pay for his crimes.

WITNESS STATEMENT FOR DR. ALAN GRANT

I am a paleontologist by training with an expertise in dinosaurs. I am actively digging in a very productive site in Montana. I have published numerous books about dinosaurs and been called as an expert witness before Congress on prehistoric conditions.

I have been in contact with John Hammond for a number of years. I knew him as a dinosaur enthusiast and a major contributor to my digs--about $30,000 a year for the last 5 years. I did some consulting work for him in 1984 concerning eating habits of young dinosaurs, but never knew why he was interested.

I got a call from John Hammond just the day before he brought us down to Isla Nublar. I didn't really want to go, but Hammond offered enough money to finance our digging for two years, so it's hard to refuse such a major contributor's request for one weekend.

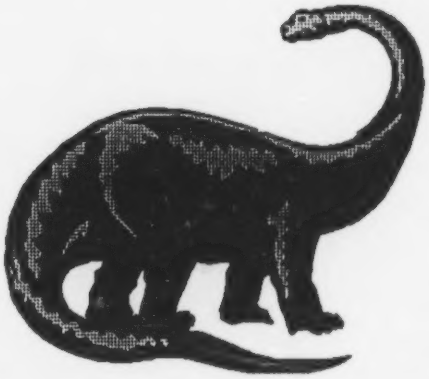
By the time we reached the island, it was clear what Hammond wanted. He needed "experts" to certify that his dinosaur preserve was safe for tourists. I was fascinated to see the dinosaurs! The potential scientific research value was unbelievable! But obviously, things were far from safe.

We were brought on the tour in electric cars to see the dinosaurs close up--through electric fences. We were never given any warnings, precautions, or recommended emergency procedures before we set out. And Hammond even sent his grandchildren on the tour! Then the power failed and we were face to face with a huge Tyrannosaurus Rex attacking us. Ed Regis took off. Who could blame him? The T. Rex was as big as a building, could run about 30 mph, had vicious teeth, and immensely powerful jaws! This animal is the most dangerous carnivore that ever lived with no natural enemies. And we were trapped out there, in the open with no weapons thanks to John Hammond's arrogant lack of concern for the dangers. He hadn't even seemed concerned the day before when I told him there was some evidence of dinosaurs escaping to the mainland.

In this attack our party was scattered, our cars destroyed, and everyone was injured. Ian Malcolm was mauled and almost killed. Ed Regis was attacked by the juvenile T. Rex. Seeing that dinosaur chewing his ragged flesh was the most disgusting sight I have ever seen.

Even then, the danger was far from over. I had to lead Hammond's own grandchildren to safety. But things just kept getting more and more perilous with vicious and sometimes even poisonous dinosaurs on the loose. The velociraptors were even more brutal than the tyrannosaurs. We were lucky to survive at all.

WITNESS STATEMENT FOR DR. IAN MALCOLM



I am a mathematician with expertise in probability. My more precise specialty is known as chaos theory, which concentrates on establishing probabilities for events as they actually happen in the real world. John Hammond hired me as a consultant before his dinosaur preserve was ever started to study its feasibility. I told him to abandon the project, that such a complex living system was certain to behave unpredictably, with disastrous results.

The central folly is that living systems cannot be controlled in the way that would be necessary to control these dinosaurs. Animals are wild. Their highest instincts are to survive, to reproduce, to escape artificial barriers. There was no possible way to keep them on the island or to keep them from breeding. No other factor could be totally controlled either. Scientists arrogantly create systems and even alter genetic populations just because they can. They never stop to think of the implications or the consequences of their actions. The whole system of Jurassic Park was inherently unstable from the start. When I told Hammond years ago of these dangers, he just ignored my report.

Hammond hired me again to come to the island to see if it was safe. I knew even before we got there that it was a disaster waiting to happen. But I took his tour just to see exactly where the problems were. Then the power failed, and the tyrannosaur attacked us all. I tried to run, but it was too big and too fast! It picked me up in its jaws, bit into my abdomen, and threw me down, breaking my leg. I don't really remember anything else that happened after that.

WITNESS STATEMENT FOR ROBERT MULDOON

I have spent my entire career guiding big game hunters, managing wildlife, and designing zoos. I am currently the game warden at Jurassic Park. Though I find the work interesting and challenging, and the pay is excellent, I have found myself frequently at odds with the park management, especially John Hammond.

The problem is, Hammond doesn't really know about wild animals and refused to take the time to learn. He has this romantic view of dinosaurs as gentle creatures and was always most concerned with protecting his investment. Time and again, I tried to convince him of the dangers involved in this park, but he never listened to me.

For instance, the velociraptors are the most vicious creatures I've ever seen. I told Hammond they needed to be destroyed because of their amazing speed, leaping ability, love of killing, and ability to escape cages. One escaped and killed two construction workers. But Hammond didn't care.

I told Hammond we needed major weaponry, including missile launchers to try to bring down 40 ton dinosaurs in an emergency. How else could we control a Tyrannosaurus? Hammond refused to order any powerful weapons, and only agreed to order one launcher when I threatened to quit and tell the press all about the island. Maybe if I had gone to the press, Ed Regis would be alive today.

I got the job of going out after the people when the power failed. At first, I just waited in the control room, thinking the engineers could get the power back on. After all, I believed the monitoring and backup systems in the park were adequate. And then I couldn't go until we got a jeep back to use. I guess I shouldn't have left the keys in the ignition. Hammond only ordered two gas powered vehicles for emergencies! When I headed into the park, I found Ed Regis' dismembered leg. It was clear from the tearing of the muscles that the Tyrannosaurus Rex had killed him.

WITNESS STATEMENT FOR JOHN HAMMOND

I am a businessman and a lover of dinosaurs. My dream in creating Jurassic Park was to put together the ultimate theme park--with living attractions! I certainly expected this park to be immensely profitable, but equally important, I wanted the children of the world, who so love dinosaurs, to be able to see them up close and alive.

In this park we utilized the latest in genetic technology and so we advanced scientific knowledge. Many naive people think genetic research should be used for medicine. But there could never be enough money for the research that way. Only pure entertainment generates enough money to sustain such expensive research.

I don't know what else could possibly have been done to make Jurassic Park safe. We only acted the way any business would have acted. I created Jurassic Park on an island to keep the dinosaurs from spreading to the mainland. The dinosaurs were secured behind huge electric fences with enormous concrete moats separating regions as well. Viewers and motion sensors were all over the park to keep things well monitored. The cars were all equipped with two way radios. We counted the dinosaurs every fifteen minutes, by computer, to make sure there were no disappearances or problems. There were redundant security systems for everything, and all of this was controlled by computer.

I hired the best people in the world and paid them extremely well so the park would be a success. Sure, I needed to keep our purposes on the island, the cloning of 238 dinosaurs, and a few accidental deaths of workers secret from the rest of the world. If scientists, tourists, and other companies had overwhelmed the island before our systems were ready, that would have been really chaotic and dangerous. We kept our staff to a minimum as well, to prevent undue publicity from leaking out.

People were always doubting the potential success of Jurassic Park, but it's only because they lacked vision. Muldoon wanted to destroy some of the dinosaurs, but he doesn't understand what it cost to create each one. Even Henry Wu wanted to re-engineer the dinosaurs to make them slower and more tame. But I wanted people to see real dinosaurs!

In the face of doubters, I brought a team of experts to tour Jurassic Park to verify that it was safe. The whole purpose of the tour was to improve safety. I completely believed in the safety of Jurassic Park. After all, I even brought my own grandchildren on the tour. I wouldn't have taken that risk if I had foreseen any problems.

The death of Ed Regis was certainly a tragedy. But it was all the fault of the crimes of Dennis Nedry shutting down the power system and security systems. Blaming me for his death is preposterous. Besides, Ed Regis took this job voluntarily, knowing there were certain risks and inconveniences involved. That's why he was paid so well.

WITNESS STATEMENT FOR DR. WILLIAM HARDING

I am the veterinarian for Jurassic Park. My main responsibility is to insure the health and safety of the dinosaurs. I suppose I am as much of an expert on the behavior of these animals as anyone in the world. Some day, I had hopes of writing the first veterinary textbook on dinosaur medicine.

Keeping the dinosaurs healthy was a major professional challenge. No one really had any idea of what they would need to eat, what diseases they might suffer from, and how modern environmental conditions would affect them. I took the job because of the professional challenge, and the generous salary, just as I assume Ed Regis did. I knew these were very dangerous animals--we all did--but I felt the undertaking was worth the risk.

I regularly entered the dinosaur habitats behind the fences and almost always felt safe. It was important to be cautious, especially when we were sedating the dinosaurs for medical work, but we got pretty good at this part of the job. It was unnerving when we discovered some dinosaurs were poisonous and couldn't ever locate their venom sacs, but after that realization, we were more careful.

Since there was no medical doctor on the island yet, I also had to intervene in some medical emergencies. At the time of the tour, I felt the situation was safe, for the dinosaurs and the people, or I would have advised Mr. Hammond against it. But the security was all based on electricity. Without the fences working properly, the predatory and carnivorous characteristics of the Tyrannosaurus and the velociraptors created unforeseen dangers. These unforeseen dangers are what led to Ed Regis' death. You can't blame the dinosaurs for acting on their natural instincts. And you shouldn't blame John Hammond for events that no one could foresee.

WITNESS STATEMENT FOR DR. HENRY WU

I am the geneticist who was responsible for cloning the dinosaurs for Jurassic Park. John Hammond hired me right out of graduate school for this project. He paid me well and made any technology in existence available to me. I am quite proud of the achievement of creating these dinosaurs.

The entire idea for creating the dinosaurs came from John Hammond. Because we had to fill in many gaps in the dinosaur DNA available, we cannot be sure how closely the dinosaurs we created matched the originals. We did, however, install many safeguards to try to prevent problems. All of the dinosaurs were made female so breeding was impossible. We made all the animals dependent on enormous quantities of the amino acid lysine so they could not survive in the wild. We also maintained a supply of incredibly lethal toxins in case we had to quickly destroy any of the animals.

I was shocked to learn that the dinosaurs were actually breeding and some had escaped the island. But since I didn't even take these concerns seriously, I don't know how John Hammond could have been expected to do otherwise. I had read Ian Malcolm's original report on the feasibility of Jurassic Park, but I dismissed it as the ravings of someone who was simply anti-science.

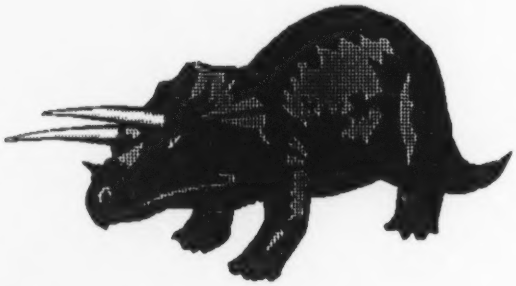
I did warn Mr. Hammond that I felt we should introduce a new version of the dinosaurs which would be more docile and slower moving so as to reduce the risk to visitors. After all, by nature these dinosaurs are aggressive and wild. But Hammond never agreed. He just couldn't seem to accept that these dinosaurs were not exactly real, but rather our own creations. Besides, once the dinosaurs had been created, John Hammond tended to listen to me less and less. If Hammond had taken my advice and we had created more tame dinosaurs, maybe Ed Regis would still be alive today.

WITNESS STATEMENT FOR JOHN ARNOLD

I am the head of engineering for Jurassic Park. I have had extensive experience running theme parks throughout my career. But Jurassic Park is definitely the toughest situation in which I've worked. Trying to maintain animals which no one understands, keep the rides operational, maintain the security enclosures, and everything else is monumentally complex. We've had lots of problems, but up until the tour, we were always able to solve them. I was nervous before the tour, but I didn't think any of the problems would be dangerous.

To maintain the dinosaurs safely, we enclosed them in electrified fences. Different regions were separated by large concrete moats. Our video sensors counted the dinosaurs every 15 minutes and we could see almost anywhere in the park. We even built a reinforced steel cage around our visitor lodge when we saw how dangerous some of the animals could be.

The problem that developed on the tour was that Nedry shut off all our security and tied up the computer system and the phone lines so we couldn't figure out how to fix things for hours. It's an incredibly complex system, and Nedry is really the only one who knew the programming involved. Once the security was down, the fences were out and the animals could roam free. That was incredibly dangerous, and Ed Regis' death was the tragic result. But it never would have happened if it wasn't for Dennis Nedry's criminal actions.

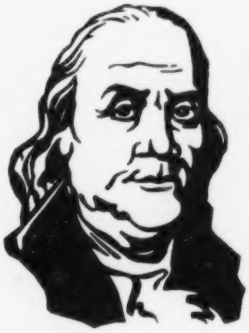


Sample Differentiating Characteristics of the Gifted and Talented Learner with Suggested Classroom Strategies in the Field of Civics and Law-Related Education

THE COGNITIVE DOMAIN

Differentiating Characteristics	*Classroom Strategies*	*Civics Education Matches*
Unusual retentiveness	Information organized at levels of difficulty; variety of methods for learning at each level	Case studies of landmark Supreme Court decisions
Advanced comprehension	Group discussion on mutually-selected topics; advanced material	Variety of interesting & timely topics
Unusual curiosity and variety of interest	Mentor programs; simulations	Historical recreations
High level of language development	Edit and publish a book, journal, play, or TV script	Poetry expressions, newspapers, dramas, etc.
High level of verbal ability	Projects involving exchanges of opinions in a variety of ways.	Current events discussions, open and structured
High level of visual and spacial ability	Incorporate visual mode in products	Interactive learning; Political cartooning
Unusual capacity for processing information	Hypothesizing and hypothesis-testing	Case method approach
Accelerated pace of thought processes	Brainstorming; opportunities for acceleration of content; self-paced instructional materials	Brainwriting; Depth of research materials on legal and social issues
Flexible thought processes	Teacher acceptance of unusual products; open-ended assignments, etc.	Teacher flexibility; Ongoing projects
Comprehensive synthesis	Continuous assessment of progress; individualized deadlines	Independent research projects
Early ability to delay closure	Presentation of contradictory events for solution; reflection	Debate; Current events
Heightened capacity for seeing unusual and diverse relationships	Unstructured periods of time for exploring; acceptance of unusual approaches, etc.	Resource persons; mediation programs
Ability to generate original ideas and solutions	Planning and implementing solutions to community problems	Environmental law; local government lessons
Thinking in alternatives and abstract terms, sensing consequences, visualizing solutions	Activities promoting the development of inquiry skills; opportunities to analyze their own communication and decision-making skills	Mock trials and moot court simulations; opinion surveys
Early ability to use and form conceptual frameworks	Activities that emphasize the social cost of various solutions	Legislative process studies
An evaluative approach toward self and others	Models of decision-making and their use with real problems	Case method approach
Persistent goal-directed behavior; intensity	Value-clarification exercises; self-chosen projects; blocks of time	Open discussion of sociological problems

THE AFFECTIVE DOMAIN



Differentiating Characteristics	*Classroom Strategies*	*Civics Education Matches*
Large accumulation of information about emotions that have not been brought to awareness	Group discussions based on feelings; Awareness exercises; Physical environment; Social-emotional environment	Role-play exercises with current events
Idealism and a sense of justice which appear at an early age	Activities on valuing	Contemporary and historical perspectives on social issues
Earlier development of an inner locus of control and satisfaction	Small group discussion; self-chosen groups	Variety of opportunities for small group activities and discussion
High expectations of self and others	Self-esteem activities	Developing citizen's sense of role in society
Unusual emotional depth and intensity	Opportunities for involvement with various community groups	Volunteer activities with community groups
Sensitivity to inconsistency between ideals and behavior	Classroom discussion on ethical questions faced by persons in selected careers	Comparisons of constitutions and laws of different countries and states
Strongly motivated by self-actualizing needs	Values clarification exercises and self-esteem activities	Role-play exercises
Advanced cognitive and affective capacity for conceptualizing and solving societal problems	Visualizing experts; small group field trips; debates; simulations; analysis of real problems; problem-solving models	Attorney interaction; field trips to historic places, courthouses, etc.; debates; simulations; current events discussions; decision-making exercises
Leadership	Creating a group government; Organizing and implementing programs	Class constitutions; Constitutional conventions
Solutions to social and environmental problems	Simulations; planning and implementing programs benefitting segments of the school community, etc.	Simulations; Socio-legal problem-solving
Involvement with the meta-needs of society, e.g., justice, beauty, and truth	Great Books program; visiting experts; future studies	Resource persons (attorneys, judges, police, etc.); Future projections re: topical legal issues
Global awareness	Planning and implementing programs related to world community	Pen pal and exchange programs; Foreign embassy correspondence & visits

Adapted from Barbara Clark's book, *Growing Up Gifted*, 4th edition, Macmillan Publishing Company, New York, 1992, pp. 242-245.

Lawyer-Teacher Partnership Forms with Sample Planning Sheets from LEGACY Partners

LAWYER-TEACHER PARTNERSHIP INFORMATION EXCHANGE

Complete and give this sheet to your partner.

Lawyer's Name:

Personal/Professional Background - In order for you to get to know each other better, we suggest the following topics for your first meeting.

What attracted you to the legal profession?

What have been your greatest challenges, satisfactions, and frustrations?

What attracted you to the "partnership" concept?

Have you worked with students and/or teachers before? If so, in what way?

What is the main focus of your practice/profession?

Important Details - Please complete this section Friday night so that you can give the information to your partner on Saturday. You might want to verbally explain any special circumstances.

When is the best time to phone and/or meet?

☐ Before 9:00 a.m.
☐ 9:00 a.m. to noon
☐ Noon to 3:00 p.m.
☐ 3:00 to 6:00 p.m.
☐ After 6:00 p.m.
☐ Other:

What numbers should be used to reach you?
Phone: FAX:

How should urgent messages be delivered?

What address should be used for correspondence?

Where would it be preferable to meet, and what are the directions for getting there?

What other information would be useful to exchange?

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LAWYER-TEACHER PARTNERSHIP INFORMATION EXCHANGE

Complete and give this sheet to your partner.

Teacher's Name:

Personal/Professional Background - In order for you to get to know each other better, we suggest the following topics for your first meeting.

What attracted you to the teaching profession?

What have been your greatest challenges, satisfactions, and frustrations?

What attracted you to the "partnership" concept?

What are your goals for teaching about the law?

What curriculum materials and methods do you use?

What are the ages, backgrounds, interests, capabilities, and limitations of your students?

Important Details - Please complete this section Friday night so that you can give the information to your partner on Saturday. You might want to verbally explain any special circumstances.

When is the best time to phone and/or meet?

☐ Before 9:00 a.m.
☐ 9:00 a.m. to noon
☐ Noon to 3:00 p.m.
☐ 3:00 to 6:00 p.m.
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☐ Other:

What numbers should be used to reach you?

Phone:

FAX:

How should urgent messages be delivered?

What address should be used for correspondence?

Where would it be preferable to meet, and what are the directions for getting there?

What other information would be useful to exchange?

LAWYER-TEACHER PARTNERSHIP PLANNING SHEET

This form is designed to help you draft a strategy for implementing your partnership over the next academic year. The form is to be completed by both partners and should be turned in to CRADLE staff on Sunday morning.

Lawyer's Name:

Teacher's Name:

The Nature of the Partnership

What topics would you like to focus on in this partnership?

☐ Contract law
☐ Real Estate/Probate law
☐ Criminal law
☐ Tort law
☐ Constitutional law (due process, equal protection, etc.)
☐ Environmental law
☐ Family law
☐ Juvenile law
☐ Consumer law
☐ Jurisdiction and trial procedure
☐ Role of lawyers in society
☐ Comparing systems of justice
☐ Dispute resolution/mediation/arbitration
☐ Substance abuse prevention
☐ Violence prevention
☐ Current events in the law
☐ Other:

Identify the activities in which the lawyer-partner can be helpful:

☐ Finding relevant laws and cases
☐ Reviewing new LRE materials
☐ Presenting/leading a class
☐ Presiding over moot court or mock trial
☐ Preparing students for moot court or mock trial
☐ Locating law specialists
☐ Mentoring students (one-on-one)
☐ Helping with a field trip
☐ Responding to legal questions by phone (hot line)
☐ Fundraising for law-related education
☐ Mobilizing community support for LRE
☐ Student "shadowing" at law office
☐ Overseeing peer mediation/student dispute resolution activities
☐ Training others (students, teachers, or attorneys) to teach LRE
☐ Other:

The Initial (or Next) Partnership Activity - Use the attached form to plan your first activity as "partners" following this institute.

Plans for the Rest of the Year

Give a brief timeline and description of some of the other partnership activities you expect to conduct during the school year.

How often do you anticipate working together?

☐ Weekly
☐ Monthly
☐ Other:
☐ Bi-Weekly
☐ Quarterly

How often do you plan to be in touch with one another by phone/FAX?

☐ Weekly
☐ Monthly
☐ Bi-Weekly
☐ Quarterly

Can you set a regular day & time?

When and where will you meet next?

DATE: TIME: LOCATION:

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PARTNERSHIP ACTIVITY PLANNING SHEET

Use this form to plan each of your activities as "partners."
Teachers and attorney-partners should devise this plan together.

General topic for this activity:

Date(s) & time(s):

What learning goals do you have in mind for your students in this activity?

-
-
-
-

What strategies will you use? (Ex., After the unit on the Bill of Rights, we will conduct a roleplay on contemporary situations involving censorship of a student newspaper -- based on the Supreme Court decision in Hazelwood v. Kuhlmeier.)

The teacher's role will be:

The attorney's role will be:

What materials will you need?

How will you assess the effectiveness of this activity?

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LAWYER-TEACHER PARTNERSHIP PLANNING SHEET

This form is designed to help you draft a strategy for implementing your partnership over the next academic year. The form is to be completed by both partners and should be turned in to CRADLE staff on Sunday morning.

Lawyer's Name: Keith D. Miles, Esq.

Teacher's Name: Mrs. Karla Davis - Rodney

The Nature of the Partnership

What topics would you like to focus on in this partnership?

☒ Contract law
☒ Real Estate/Probate law
☒ Criminal law
☒ Tort law
☒ Constitutional law (due process, equal protection, etc.)
☒ Environmental law
☒ Family law
☒ Juvenile law
☐ Consumer law
☐ Jurisdiction and trial procedure
☒ Role of lawyers in society.
☐ Comparing systems of justice
☒ Dispute resolution/mediation/arbitration
☒ Substance abuse prevention
☒ Violence prevention
☒ Current events in the law
☐ Other:

Identify the activities in which the lawyer-partner can be helpful:

☒ Finding relevant laws and cases
☐ Reviewing new LRE materials
☐ Presenting/leading a class
☒ Presiding over moot court or mock trial
☐ Preparing students for moot court or mock trial
☐ Locating law specialists
☒ Mentoring students (one-on-one)
☒ Helping with a field trip
☐ Responding to legal questions by phone (hot line)
☐ Fundraising for law-related education
☐ Mobilizing community support for LRE
☐ Student "shadowing" at law office
☐ Overseeing peer mediation/student dispute resolution activities
☒ Training others (students, teachers, or attorneys) to teach LRE
☐ Other:

The Initial (or Next) Partnership Activity - Use the attached form to plan your first activity as "partners" following this institute.

Plans for the Rest of the Year

Give a brief timeline and description of some of the other partnership activities you expect to conduct during the school year. Students will be introduced to teleconferencing with students from North Allegheny High School in Pennsylvania as well as a working relationship with students from Eastern High School. Students will develop and draft legislation on proposed environmental problems to be presented to Congressman and Senators. This project will combine skills and talents from various disciplines and backgrounds.

How often do you anticipate working together?

☒ Weekly
☐ Monthly
☐ Other:
☐ Bi-Weekly
☐ Quarterly

How often do you plan to be in touch with one another by phone/FAX?

☒ Weekly
☐ Monthly
☐ Bi-Weekly
☐ Quarterly

Can you set a regular day & time? Tuesdays @ 9:00a

When and where will you meet next?

DATE: Aug. 1994 TIME: 12:00p LOCATION: Brunch - Howard Inn

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PARTNERSHIP ACTIVITY PLANNING SHEET

Use this form to plan each of your activities as "partners." Teachers and attorney-partners should devise this plan together.

General topic for this activity:

We The People (Preparation for D.C. Comp.)

Date(s) & time(s):

① September 7 - January 1995; ② February - May 1995

What learning goals do you have in mind for your students in this activity?

- Students will be able to demonstrate knowledge of the Bill of Rights through We The People
- Increase communications between students from diverse cultural
- economic and regional backgrounds through teleconferencing about environmental issues on how a bill becomes a law
- Involve the student citizen in the legislation process that affects the quality of life in the global community

Inner disciplinary science-law-communication exchange

What strategies will you use? (Ex., After the unit on the Bill of Rights, we will conduct a roleplay on contemporary situations involving censorship of a student newspaper -- based on the Supreme Court decision in Hazelwood v. Kuhlmeier.) Through INTERNET Teachers and Lawyers will correspond regularly to target those environmental concerns that are most pressing to Students. The students will conduct background research and will be advised by the Lawyer - Teacher as to the progress. Students will draft letters to both Congressman and Senators for possible support. Students will assemble at the Dr. Martin Luther King, Jr. Library for conferences to exchange ideas. Students will also roleplay and apprise the status of current environmental problems.

The teacher's role will be:

Maintain active working relationship with Attorney partner. Allow students flexibility to do independent research on environmental issues that affect them. Maintain close contact with administrators for the use of facilities, buses, etc. Prepare students for weekly meetings with Attorney partner.

The attorney's role will be: To gather case studies and relevant information on trial strategies, legal profession, public speaking, debating skills, critical thinking and analyses. The attorney will serve as a role model and mentor. Attorney will also plan field trip to the Environmental Protection Agency and Capitol Hill. The Attorney will also contact outside ~~(additional) outside~~ his area of the law.

What materials will you need? Facsmile Machine, Telephone, Overhead projector, EPA statutes, We The People (Text)

How will you assess the effectiveness of this activity? Through constructive feedback from students and teachers

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LAWYER-TEACHER PARTNERSHIP PLANNING SHEET

This form is designed to help you draft a strategy for implementing your partnership over the next academic year. The form is to be completed by both partners and should be turned in to CRADLE staff on Sunday morning.

Lawyer's Name: Patty Friedman Teacher's Name: Judith Scott-Hunter

The Nature of the Partnership

What topics would you like to focus on in this partnership?

☐ Contract law
☐ Real Estate/Probate law
☑ Criminal law
☐ Tort law
☑ Constitutional law (due process, equal protection, etc.)
☑ Environmental law
☑ Family law
☑ Juvenile law
☐ Consumer law
☑ Jurisdiction and trial procedure
☑ Role of lawyers in society
☑ Comparing systems of justice
☑ Dispute resolution/mediation/arbitration
☑ Substance abuse prevention
☑ Violence prevention
☑ Current events in the law
☐ Other: international (comparative focus)

Identify the activities in which the lawyer-partner can be helpful:

☑ Finding relevant laws and cases
☑ Reviewing new LRE materials
☑ Presenting/leading a class
☐ Presiding over moot court or mock trial
☐ Preparing students for moot court or mock trial
☑ Locating law specialists/other professionals
☐ Mentoring students (one-on-one)
☑ Helping with a field trips
☐ Responding to legal questions by phone (hot line)
☐ Fundraising for law-related education
☐ Mobilizing community support for LRE
☑ Student "shadowing" at law office
☐ Overseeing peer mediation/student dispute resolution activities
☑ Training others (students, teachers, or attorneys) to teach LRE
☑ Other: Helping with bringing other projects on line: Rising sophomore summer pre-college experience, law column, etc.

The Initial (or Next) Partnership Activity - Use the attached form to plan your first activity as "partners" following this institute.

Plans for the Rest of the Year

Give a brief timeline and description of some of the other partnership activities you expect to conduct during the school year.

July / August Joint Sharing and Planning
September - Pre-liminary Hearing
October - Jury Appreciation week
December - International Human Rights / South Africa Teleconference
Ongoing: Embassy trips / Law Column
Collaborative Project with K. Rodney and M/M Sagor on Environmental Issue.

How often do you anticipate working together?

☐ Weekly ☑ Bi-Weekly
☐ Monthly ☐ Quarterly
☐ Other:

How often do you plan to be in touch with one another by phone/FAX?

☐ Weekly ☑ Bi-Weekly
☐ Monthly ☐ Quarterly

Can you set a regular day & time?

When and where will you meet next?
DATE: TIME: LOCATION:
We will exchanging materials initially, speak by phone and plan to meet in early August.

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PARTNERSHIP ACTIVITY PLANNING SHEET

Use this form to plan each of your activities as "partners."
Teachers and attorney-partners should devise this plan together.

General topic for this activity: Legal v Moral / Ethical : Rights
Responsibilities

Date(s) & time(s): September '94

What learning goals do you have in mind for your students in this activity?

- Understand role of law in society/U.S.
- Differentiate between Legal/Moral-Ethical Right
- Distinguish Fact and Inference
- Understand concept of rights and responsibilities of the individual and societ
- Relate this to their own experiences.

What strategies will you use? (Ex., After the unit on the Bill of Rights, we will conduct a roleplay on contemporary situations involving censorship of a student newspaper -- based on the Supreme Court decision in Hazelwood v. Kuhlmeier.) After reading/viewing Lord of the Flies and John Donne essay, we will conduct a preliminary hearing on characters in Lord of the Flies. Students will prepare fact pacts and then role play.

The teacher's role will be: Introduce Lord of the Flies / John Donne activities. Facilitate preparation of Students for p-hearing based on guidelines of attorney.

The attorney's role will be: Introduce fact pacts; direct the Student production and review of fact pacts. Explain preliminary hearing. Act as judge in roleplay.

What materials will you need? Lord of the Flies. John Donne essay.
Video camera + materials.
Further materials on comparative religion, bioethics, medical ethics, e

How will you assess the effectiveness of this activity?
Self-critique by the students by reviewing video of their p-hearing. Debriefing activities that have yet to be devised. We will refer to materials for ideas regarding objective criteria.

LAWYER-TEACHER PARTNERSHIP PLANNING SHEET

This form is designed to help you draft a strategy for implementing your partnership over the next academic year. The form is to be completed by both partners and should be turned in to CRADLE staff on Sunday morning.

Lawyer's Name: Margaret Masunaga **Teacher's Name:** William McMahon

The Nature of the Partnership

What topics would you like to focus on in this partnership?

- ☐ Contract law
- ☐ Real Estate/Probate law
- ☐ Criminal law
- ☐ Tort law
- ☐ Constitutional law (due process, equal protection, etc.)
- ☐ Environmental law
- ☑ Family law
- ☑ Juvenile law
- ☐ Consumer law
- ☑ Jurisdiction and trial procedure
- ☐ Role of lawyers in society
- ☐ Comparing systems of justice
- ☑ Dispute resolution/mediation/arbitration
- ☐ Substance abuse prevention
- ☑ Violence prevention
- ☐ Current events in the law
- ☐ Other:

Identify the activities in which the lawyer-partner can be helpful:

- ☑ Finding relevant laws and cases
- ☐ Reviewing new LRE materials
- ☑ Presenting/leading a class
- ☑ Presiding over moot court or mock trial
- ☐ Preparing students for moot court or mock trial
- ☑ Locating law specialists
- ☐ Mentoring students (one-on-one)
- ☐ Helping with a field trip
- ☐ Responding to legal questions by phone (hot line)
- ☐ Fundraising for law-related education
- ☐ Mobilizing community support for LRE
- ☐ Student "shadowing" at law office
- ☐ Overseeing peer mediation/student dispute resolution activities
- ☐ Training others (students, teachers, or attorneys) to teach LRE
- ☐ Other:

The Initial (or Next) Partnership Activity - Use the attached form to plan your first activity as "partners" following this institute.

Plans for the Rest of the Year

Give a brief timeline and description of some of the other partnership activities you expect to conduct during the school year. besides the implimentation of the Lesson/unit in mid OCTOBER. WE plan to conduct a one day teacher in-service on Attorny teacher partnerships including (or servicing) both Lawyers and teachers. in mid November.

How often do you anticipate working together?

- ☐ Weekly
- ☐ Monthly
- ☐ Other:
- ☐ Bi-Weekly
- ☑ Quarterly

How often do you plan to be in touch with one another by phone/FAX?

- ? ☑ Weekly
- ☑ Monthly
- ☐ Bi-Weekly
- ☐ Quarterly

Can you set a regular day & time? EVERY other WEEKEND on SAT.

When and where will you meet next?
DATE: MID August TIME: DAY LOCATION: Kona OR Hilo possibly by phone

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PARTNERSHIP ACTIVITY PLANNING SHEET

Use this form to plan each of your activities as "partners."
Teachers and attorney-partners should devise this plan together.

General topic for this activity: Legality of Paternity in Teen pregnancy + The role of science + Technology in the Law.

Date(s) & time(s): MID OCTOBER.

What learning goals do you have in mind for your students in this activity?

STUDENTS WILL: ① DEMONSTRATE AN UNDERSTANDING OF BOTH THE rights AND RESPONSIBILITIES of Teen pregnancy + parent Hood.

-
-
-
- ② DEMONSTRATE AN UNDERSTANDING of the increasing role science + technology play in the evolution of the Law.

What strategies will you use? (Ex., After the unit on the Bill of Rights, we will conduct a roleplay on contemporary situations involving censorship of a student newspaper -- based on the Supreme Court decision in Hazelwood v. Kuhlmeier.) Students will do both CASE studies and role playing of Fictional cases inorder to familiarize themselves with the concepts + terms of paternity cases in preparation for understanding and "judging" Attorney arguements in fictional cases. (scenarios)

The teacher's role will be: The above fictionalization creation from the study and synthesis of actual cases.

The attorney's role will be: provide the attorneys and a judge

What materials will you need? ① actual cases from teen paternity
② scenerios developed from such cases.

How will you assess the effectiveness of this activity? A) subjectively: Evaluation of post ACTIVITY Discussion

B) objective: post ACTIVITY Quiz on major points/Terms.

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